

**MUNICIPAL INCORPORATION AMENDMENTS**

2019 GENERAL SESSION

STATE OF UTAH

---

---

**LONG TITLE****General Description:**

This bill modifies provisions related to the incorporation of a municipality.

**Highlighted Provisions:**

This bill:

- defines terms;
- repeals Title 10, Chapter 2a, Part 3, Incorporation of a Town;
- adds the incorporation of a town to the existing process for incorporating a city;
- establishes qualifications for an area to incorporate as a municipality;
- establishes a population density threshold for an area to incorporate as a municipality;
- amends provisions related to the content of a feasibility study;
- requires a feasibility consultant to consult with certain governmental entities when drafting a feasibility study;
- changes the deadline by which a feasibility consultant is required to complete a feasibility study;
- establishes the Municipal Incorporation Expendable Special Revenue Fund for the lieutenant governor's provision of municipal incorporation services;
- establishes provisions related to a new municipality's responsibility to repay the lieutenant governor for certain services rendered by the lieutenant governor during the incorporation process; and
- makes technical and conforming changes.

**Money Appropriated in this Bill:**

This bill appropriates:

- to the Municipal Incorporation Expendable Special Revenue Fund as a one-time appropriation:
  - from the General Fund, \$100,000.

**Other Special Clauses:**

33 This bill provides revisor instructions.

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **10-2-403**, as last amended by Laws of Utah 2017, Chapter 452

37 **10-2a-102**, as renumbered and amended by Laws of Utah 2015, Chapter 352

38 **10-2a-106**, as last amended by Laws of Utah 2017, Chapter 452

39 **10-2a-201**, as enacted by Laws of Utah 2015, Chapter 352

40 **10-2a-202**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
41 amended by Laws of Utah 2015, Chapter 352

42 **10-2a-203**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
43 amended by Laws of Utah 2015, Chapter 352

44 **10-2a-204**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
45 amended by Laws of Utah 2015, Chapter 352

46 **10-2a-205**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
47 amended by Laws of Utah 2015, Chapter 352

48 **10-2a-206**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
49 amended by Laws of Utah 2015, Chapter 352

50 **10-2a-207**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
51 amended by Laws of Utah 2015, Chapter 352

52 **10-2a-208**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
53 amended by Laws of Utah 2015, Chapter 352

54 **10-2a-209**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
55 amended by Laws of Utah 2015, Chapter 352

56 **10-2a-210**, as last amended by Laws of Utah 2015, Chapters 111, 157 and renumbered  
57 and amended by Laws of Utah 2015, Chapter 352

58 **10-2a-211**, as renumbered and amended by Laws of Utah 2015, Chapter 352

59 **10-2a-212**, as renumbered and amended by Laws of Utah 2015, Chapter 352

60 **10-2a-213**, as renumbered and amended by Laws of Utah 2015, Chapter 352

61 **10-2a-214**, as last amended by Laws of Utah 2017, Chapter 91

62 **10-2a-215**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and  
63 amended by Laws of Utah 2015, Chapter 352 and last amended by Coordination

64 Clause, Laws of Utah 2015, Chapter 352  
65 **10-2a-216**, as renumbered and amended by Laws of Utah 2015, Chapter 352  
66 **10-2a-217**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and  
67 amended by Laws of Utah 2015, Chapter 352  
68 **10-2a-218**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and  
69 amended by Laws of Utah 2015, Chapter 352  
70 **10-2a-219**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and  
71 amended by Laws of Utah 2015, Chapter 352  
72 **10-2a-220**, as last amended by Laws of Utah 2015, Chapter 157 and renumbered and  
73 amended by Laws of Utah 2015, Chapter 352  
74 **10-2a-402**, as last amended by Laws of Utah 2017, Chapter 367  
75 **10-2a-413**, as enacted by Laws of Utah 2015, Chapter 352  
76 **20A-1-203**, as last amended by Laws of Utah 2018, Chapters 68 and 415  
77 **20A-11-101**, as last amended by Laws of Utah 2017, Chapter 452  
78 **63I-2-210**, as last amended by Laws of Utah 2018, Second Special Session, Chapter 6  
79 **67-1a-2**, as last amended by Laws of Utah 2018, Chapter 330

## 80 ENACTS:

81 **10-2a-201.5**, Utah Code Annotated 1953

## 82 REPEALS:

83 **10-2a-221**, as renumbered and amended by Laws of Utah 2015, Chapter 352  
84 **10-2a-301**, as enacted by Laws of Utah 2015, Chapter 352  
85 **10-2a-302.5**, as last amended by Laws of Utah 2018, Chapters 281 and 330  
86 **10-2a-303**, as last amended by Laws of Utah 2017, Chapter 452  
87 **10-2a-304**, as last amended by Laws of Utah 2017, Chapter 452  
88 **10-2a-305**, as renumbered and amended by Laws of Utah 2015, Chapter 352 and  
89 repealed and reenacted by Laws of Utah 2015, Chapter 111  
90 **10-2a-305.1**, as last amended by Laws of Utah 2018, Chapter 11  
91 **10-2a-305.2**, as enacted by Laws of Utah 2015, Chapter 111 and last amended by  
92 Coordination Clause, Laws of Utah 2015, Chapter 352  
93 **10-2a-306**, as last amended by Laws of Utah 2015, Chapter 111 and renumbered and

amended by Laws of Utah 2015, Chapter 352

**10-2a-307**, as enacted by Laws of Utah 2015, Chapter 157 and last amended by

Coordination Clause, Laws of Utah 2015, Chapter 352

**Utah Code Sections Affected by Revisor Instructions:**

**10-2a-106**, as last amended by Laws of Utah 2017, Chapter 452

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-2-403** is amended to read:

**10-2-403. Annexation petition -- Requirements -- Notice required before filing.**

(1) Except as provided in Section 10-2-418, the process to annex an unincorporated area to a municipality is initiated by a petition as provided in this section.

(2) (a) (i) Before filing a petition under Subsection (1) with respect to the proposed annexation of an area located in a county of the first class, the person or persons intending to file a petition shall:

(A) file with the city recorder or town clerk of the proposed annexing municipality a notice of intent to file a petition; and

(B) send a copy of the notice of intent to each affected entity.

(ii) Each notice of intent under Subsection (2)(a)(i) shall include an accurate map of the area that is proposed to be annexed.

(b) (i) Subject to Subsection (2)(b)(ii), the county in which the area proposed to be annexed is located shall:

(A) mail the notice described in Subsection (2)(b)(iii) to:

(I) each owner of real property located within the area proposed to be annexed; and

(II) each owner of real property located within 300 feet of the area proposed to be annexed; and

(B) send to the proposed annexing municipality a copy of the notice and a certificate indicating that the notice has been mailed as required under Subsection (2)(b)(i)(A).

(ii) The county shall mail the notice required under Subsection (2)(b)(i)(A) within 20 days after receiving from the person or persons who filed the notice of intent:

(A) a written request to mail the required notice; and

(B) payment of an amount equal to the county's expected actual cost of mailing the

125 notice.

126 (iii) Each notice required under Subsection (2)(b)(i)(A) shall:

127 (A) be in writing;

128 (B) state, in bold and conspicuous terms, substantially the following:

129 "Attention: Your property may be affected by a proposed annexation.

130 Records show that you own property within an area that is intended to be included in a  
131 proposed annexation to (state the name of the proposed annexing municipality) or that is within  
132 300 feet of that area. If your property is within the area proposed for annexation, you may be  
133 asked to sign a petition supporting the annexation. You may choose whether [~~or not~~] to sign  
134 the petition. By signing the petition, you indicate your support of the proposed annexation. If  
135 you sign the petition but later change your mind about supporting the annexation, you may  
136 withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk  
137 of (state the name of the proposed annexing municipality) within 30 days after (state the name  
138 of the proposed annexing municipality) receives notice that the petition has been certified.

139 There will be no public election on the proposed annexation because Utah law does not  
140 provide for an annexation to be approved by voters at a public election. Signing or not signing  
141 the annexation petition is the method under Utah law for the owners of property within the area  
142 proposed for annexation to demonstrate their support of or opposition to the proposed  
143 annexation.

144 You may obtain more information on the proposed annexation by contacting (state the  
145 name, mailing address, telephone number, and email address of the official or employee of the  
146 proposed annexing municipality designated to respond to questions about the proposed  
147 annexation), (state the name, mailing address, telephone number, and email address of the  
148 county official or employee designated to respond to questions about the proposed annexation),  
149 or (state the name, mailing address, telephone number, and email address of the person who  
150 filed the notice of intent under Subsection (2)(a)(i)(A), or, if more than one person filed the  
151 notice of intent, one of those persons). Once filed, the annexation petition will be available for  
152 inspection and copying at the office of (state the name of the proposed annexing municipality)  
153 located at (state the address of the municipal offices of the proposed annexing municipality).";  
154 and

155 (C) be accompanied by an accurate map identifying the area proposed for annexation.

(iv) A county may not mail with the notice required under Subsection (2)(b)(i)(A) any other information or materials related or unrelated to the proposed annexation.

(c) (i) After receiving the certificate from the county as provided in Subsection (2)(b)(i)(B), the proposed annexing municipality shall, upon request from the person or persons who filed the notice of intent under Subsection (2)(a)(i)(A), provide an annexation petition for the annexation proposed in the notice of intent.

(ii) An annexation petition provided by the proposed annexing municipality may be duplicated for circulation for signatures.

(3) Each petition under Subsection (1) shall:

(a) be filed with the applicable city recorder or town clerk~~[, as the case may be,]~~ of the proposed annexing municipality;

(b) contain the signatures of, if all the real property within the area proposed for annexation is owned by a public entity other than the federal government, the owners of all the publicly owned real property, or the owners of private real property that:

(i) is located within the area proposed for annexation;

(ii) (A) subject to Subsection (3)(b)(ii)(C), covers a majority of the private land area within the area proposed for annexation;

(B) covers 100% of rural real property as that term is defined in Section 17B-2a-1107 within the area proposed for annexation; and

(C) covers 100% of the private land area within the area proposed for annexation, if the area is within an agriculture protection area created under Title 17, Chapter 41, Agriculture and Industrial Protection Areas, or a migratory bird production area created under Title 23, Chapter 28, Migratory Bird Production Area; and

(iii) is equal in value to at least 1/3 of the value of all private real property within the area proposed for annexation;

(c) be accompanied by:

(i) an accurate and recordable map, prepared by a licensed surveyor, of the area proposed for annexation; and

(ii) a copy of the notice sent to affected entities as required under Subsection (2)(a)(i)(B) and a list of the affected entities to which notice was sent;

(d) if the area proposed to be annexed is located in a county of the first class, contain

on each signature page a notice in bold and conspicuous terms that states substantially the following:

"Notice:

- There will be no public election on the annexation proposed by this petition because Utah law does not provide for an annexation to be approved by voters at a public election.

- If you sign this petition and later decide that you do not support the petition, you may withdraw your signature by submitting a signed, written withdrawal with the recorder or clerk of (state the name of the proposed annexing municipality). If you choose to withdraw your signature, you shall do so no later than 30 days after (state the name of the proposed annexing municipality) receives notice that the petition has been certified.";

(e) if the petition proposes the annexation of an area located in a county that is not the county in which the proposed annexing municipality is located, be accompanied by a copy of the resolution, required under Subsection 10-2-402(6), of the legislative body of the county in which the area is located; and

(f) designate up to five of the signers of the petition as sponsors, one of whom shall be designated as the contact sponsor, and indicate the mailing address of each sponsor.

(4) A petition under Subsection (1) may not propose the annexation of all or part of an area proposed for annexation to a municipality in a previously filed petition that has not been denied, rejected, or granted.

(5) A petition under Subsection (1) proposing the annexation of an area located in a county of the first class may not propose the annexation of an area that includes some or all of an area proposed to be incorporated in a request for a feasibility study under Section 10-2a-202 ~~[or a petition under Section 10-2a-302.5]~~ if:

(a) the request or petition was filed before the filing of the annexation petition; and

(b) the request, or a petition under Section 10-2a-208 based on that request, ~~[or a petition under Section 10-2a-302.5]~~ is still pending on the date the annexation petition is filed.

(6) If practicable and feasible, the boundaries of an area proposed for annexation shall be drawn:

(a) along the boundaries of existing local districts and special service districts for sewer, water, and other services, along the boundaries of school districts whose boundaries follow city boundaries or school districts adjacent to school districts whose boundaries follow

218 city boundaries, and along the boundaries of other taxing entities;  
219 (b) to eliminate islands and peninsulas of territory that is not receiving municipal-type  
220 services;  
221 (c) to facilitate the consolidation of overlapping functions of local government;  
222 (d) to promote the efficient delivery of services; and  
223 (e) to encourage the equitable distribution of community resources and obligations.  
224 (7) On the date of filing, the petition sponsors shall deliver or mail a copy of the  
225 petition to the clerk of the county in which the area proposed for annexation is located.  
226 (8) A property owner who signs an annexation petition proposing to annex an area  
227 located in a county of the first class may withdraw the owner's signature by filing a written  
228 withdrawal, signed by the property owner, with the city recorder or town clerk no later than 30  
229 days after the municipal legislative body's receipt of the notice of certification under  
230 Subsection 10-2-405(2)(c)(i).

231 Section 2. Section **10-2a-102** is amended to read:

232 **10-2a-102. Definitions.**

233 (1) As used in this part:

234 (a) "Feasibility consultant" means a person or firm:  
235 (i) with expertise in the processes and economics of local government; and  
236 (ii) who is independent of and not affiliated with a county or sponsor of a petition to  
237 incorporate.

238 (b) (i) "Municipal service" means any of the following that are publicly provided:

239 (A) culinary water;

240 (B) secondary water;

241 (C) sewer service;

242 (D) storm drainage or flood control;

243 (E) recreational facilities or parks;

244 (F) electrical power generation or distribution;

245 (G) construction or maintenance of local streets and roads;

246 (H) street lighting;

247 (I) curb, gutter, and sidewalk maintenance;

248 (J) law or code enforcement service;



249 (K) fire protection service;

250 (L) animal services;

251 (M) planning and zoning;

252 (N) building permits and inspections;

253 (O) refuse collection; or

254 (P) weed control.

255 (ii) "Municipal service" includes the physical facilities required to provide a service  
256 described in Subsection (1)(b)(i).

257 ~~[(b)]~~ (c) "Private," with respect to real property, means taxable property.

258 (2) For purposes of this part:

259 (a) the owner of real property shall be the record title owner according to the records of  
260 the county recorder on the date of the filing of the request or petition; and

261 (b) the value of private real property shall be determined according to the last  
262 assessment roll for county taxes before the filing of the request or petition.

263 (3) For purposes of each provision of this part that requires the owners of private real  
264 property covering a percentage or fraction of the total private land area within an area to sign a  
265 request or petition:

266 (a) a parcel of real property may not be included in the calculation of the required  
267 percentage or fraction unless the request or petition is signed by:

268 (i) except as provided in Subsection (3)(a)(ii), owners representing a majority  
269 ownership interest in that parcel; or

270 (ii) if the parcel is owned by joint tenants or tenants by the entirety, 50% of the number  
271 of owners of that parcel;

272 (b) the signature of a person signing a request or petition in a representative capacity on  
273 behalf of an owner is invalid unless:

274 (i) the person's representative capacity and the name of the owner the person represents  
275 are indicated on the request or petition with the person's signature; and

276 (ii) the person provides documentation accompanying the request or petition that  
277 substantiates the person's representative capacity; and

278 (c) subject to Subsection (3)(b), a duly appointed personal representative may sign a  
279 request or petition on behalf of a deceased owner.

Section 3. Section **10-2a-106** is amended to read:

**10-2a-106. Feasibility study or petition to incorporate filed before May 12, 2015.**

(1) If a request for a feasibility study to incorporate a city is filed under Section 10-2a-202 before May 12, 2015, the request and a subsequent feasibility study, petition, public hearing, election, and any other city incorporation action applicable to that request shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.

(2) If a petition to incorporate a town is filed [~~under Section 10-2a-302.5~~] before May 12, 2015, the petition and a subsequent feasibility study, petition, public hearing, election, and any other town incorporation action applicable to that petition to incorporate shall be filed with and be acted upon, held, processed, or paid for by the county legislative body or county clerk, as applicable, as designated, directed, or authorized before Laws of Utah 2015, Chapter 157, takes effect.

(3) If an individual files a request for a feasibility study for the incorporation of a city, or an application for an incorporation petition for the incorporation of a town, before May 14, 2019, the process for incorporating that city or town under that request or application is not subject to this bill.

Section 4. Section **10-2a-201** is amended to read:

**Part 2. Incorporation of a Municipality**

**10-2a-201. Title.**

This part is known as "Incorporation of a [City] Municipality."

Section 5. Section **10-2a-201.5** is enacted to read:

**10-2a-201.5. Qualifications for incorporation.**

(1) (a) An area may incorporate as a town in accordance with this part if the area:

(i) subject to Subsection (1)(c), is contiguous;

(ii) has a population of at least 100 people, but fewer than 1,000 people; and

(iii) is not already part of a municipality.

(b) An area may incorporate as a city in accordance with this part if the area:

(i) subject to Subsection (1)(c), is contiguous;

(ii) has a population of 1,000 people or more; and

311 (iii) is not already part of a municipality.

312 (c) An area is not contiguous for purposes of Subsection (1)(a)(i) or (b)(i) if:

313 (i) the area includes a strip of land that connects geographically separate areas; and

314 (ii) the distance between the geographically separate areas is greater than the average  
315 width of the strip of land connecting the geographically separate areas.

316 (2) (a) An area may not incorporate under this part if:

317 (i) the area has a population of fewer than 100 people; or

318 (ii) except as provided in Subsection (2)(b), the area has an average population density  
319 of fewer than seven people per square mile.

320 (b) Subject to Subsection (1)(c), an area that does not comply with Subsection (2)(a)(ii)  
321 may incorporate under this part if the noncompliance is necessary to connect separate areas that  
322 share a demonstrable community interest.

323 (3) Subject to Subsection (1)(c), an area incorporating under this part may not include  
324 land owned by the United States federal government unless:

325 (a) incorporating the land is necessary to connect separate areas that share a  
326 demonstrable community interest; or

327 (b) excluding the land from the incorporating area would create an unincorporated  
328 island within the proposed municipality.

329 (4) (a) Except as provided in Subsection (4)(b), an area incorporating under this part  
330 may not include some or all of an area proposed for annexation in an annexation petition under  
331 Section 10-2-403 that:

332 (i) was filed before the filing of the request for a feasibility study, described in Section  
333 10-2a-202, relating to the incorporating area; and

334 (ii) is still pending on the date the request for the feasibility study described in  
335 Subsection (4)(a)(i) is filed.

336 (b) A request for a feasibility study may propose for incorporation an area that includes  
337 some or all of an area proposed for annexation in an annexation petition described in  
338 Subsection (4)(a) if:

339 (i) the proposed annexation area that is part of the area proposed for incorporation does  
340 not exceed 20% of the area proposed for incorporation;

341 (ii) the request complies with Subsections 10-2a-202(1) and (2) with respect to

342 excluding the proposed annexation area from the area proposed for incorporation; and  
343 (iii) excluding the area proposed for annexation from the area proposed for  
344 incorporation would not cause the area proposed for incorporation to not be contiguous under  
345 Subsection (1)(c).

346 (c) Except as provided in Section 10-2a-206, the lieutenant governor shall consider  
347 each request to which Subsection (4)(b) applies as not proposing the incorporation of an area  
348 proposed for annexation.

349 Section 6. Section **10-2a-202** is amended to read:

350 **10-2a-202. Request for feasibility study -- Requirements -- Limitations.**

351 (1) The process to incorporate a contiguous area of a county as a [city] municipality is  
352 initiated by an individual filing a request for a feasibility study [~~filed~~] with the Office of the  
353 Lieutenant Governor[?] that:

354 [~~(2) Each request under Subsection (1) shall:~~]

355 (a) [~~be~~] is signed by the owners of private real property that:

356 (i) is located within the area proposed to be incorporated;

357 (ii) covers at least 10% of the total private land area within the area; and

358 (iii) is equal in value to at least 7% of the value of all private real property within the  
359 area;

360 (b) [~~indicate~~] indicates the typed or printed name and current residence address of each  
361 owner signing the request;

362 (c) [~~describe~~] describes the contiguous area proposed to be incorporated as a [city]  
363 municipality;

364 (d) [~~designate~~] designates up to five signers of the request as sponsors, one of whom  
365 [~~shall be~~] is designated as the contact sponsor, with the mailing address and telephone number  
366 of each;

367 (e) [~~be~~] is accompanied by and circulated with an accurate map or plat, prepared by a  
368 licensed surveyor, showing a legal description of the boundaries of the proposed [city]  
369 municipality; and

370 (f) [~~request~~] requests the lieutenant governor to commission a study to determine the  
371 feasibility of incorporating the area as a [city] municipality.

372 [~~(3)~~] (2) A request for a feasibility study under this section may not propose for

incorporation an area that includes some or all of an area that is the subject of a completed feasibility study or supplemental feasibility study whose results comply with Subsection ~~[10-2a-208(3)]~~ 10-2a-205(6)(a) unless:

(a) the proposed incorporation that is the subject of the completed feasibility study or supplemental feasibility study has been defeated by the voters at an election under Section 10-2a-210; or

(b) the time ~~[provided under]~~ described in Subsection 10-2a-208(1) for filing an incorporation petition based on the completed feasibility study or supplemental feasibility study has elapsed without ~~[the filing of a petition]~~ the sponsors filing an incorporation petition under Section 10-2a-208.

~~[(4)(a) Except as provided in Subsection (4)(b), a request under this section may not propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition under Section 10-2-403 that:]~~

~~[(i) was filed before the filing of the request; and]~~

~~[(ii) is still pending on the date the request is filed:]~~

~~[(b) Notwithstanding Subsection (4)(a), a request may propose for incorporation an area that includes some or all of an area proposed for annexation in an annexation petition described in Subsection (4)(a) if:]~~

~~[(i) the proposed annexation area that is part of the area proposed for incorporation does not exceed 20% of the area proposed for incorporation;]~~

~~[(ii) the request complies with Subsections (2) and (3) with respect to the area proposed for incorporation excluding the proposed annexation area; and]~~

~~[(iii) excluding the area proposed for annexation from the area proposed for incorporation would not cause the area proposed for incorporation to lose its contiguousness:]~~

~~[(c) Except as provided in Section 10-2a-206, each request to which Subsection (4)(b) applies shall be considered as not proposing the incorporation of the area proposed for annexation:]~~

(3) Sponsors may not file a request under this section regarding the incorporation of a town if the cumulative private real property that the sponsors own exceeds 40% of the total private land area within the boundaries of the proposed town.

Section 7. Section **10-2a-203** is amended to read:

**10-2a-203. Notice to owner of property -- Exclusion of property from proposed boundaries.**

(1) As used in this section:

(a) "Assessed value" with respect to property means the value at which the property would be assessed without regard to a valuation for agricultural use under Section 59-2-503.

(b) "Owner" means a person having an interest in real property, including an affiliate, subsidiary, or parent company.

~~[(c) "Urban" means an area with a residential density of greater than one unit per acre.]~~

(2) Within seven calendar days ~~[of the date]~~ after the day on which an individual files a request under Section 10-2a-202 ~~[is filed]~~, the lieutenant governor shall send written notice of the proposed incorporation to each record owner of real property owning more than:

(a) 1% of the assessed value of all property in the proposed incorporation boundaries;

or

(b) 10% of the total private land area within the proposed incorporation boundaries.

(3) If an owner owns, controls, or manages more than 1% of the assessed value of all property in the proposed incorporation boundaries, or owns, controls, or manages 10% or more of the total private land area in the proposed incorporation boundaries, the owner may request that the lieutenant governor exclude all or part of the property owned, controlled, or managed by the owner from the proposed boundaries by filing a ~~[Notice of Exclusion]~~ notice of exclusion with the Office of the Lieutenant Governor:

(a) that describes the property for which the owner requests exclusion; and

(b) within 15 calendar days ~~[of receiving the clerk's notice under]~~ after the day on which the owner receives the notice described in Subsection (2).

(4) The lieutenant governor shall exclude the property identified by an owner ~~[in the Notice of Exclusion]~~ under Subsection (3) from the proposed incorporation boundaries unless the lieutenant governor finds by clear and convincing evidence ~~[in the record]~~ that:

(a) the exclusion will leave an unincorporated island within the proposed municipality; and

(b) the property ~~[to be excluded: (i) is urban; and (ii) currently]~~ receives from the county a majority of ~~[municipal-type services including:]~~ currently provided municipal services.

~~[(A) culinary or irrigation water;]~~

~~[(B) sewage collection or treatment;]~~

~~[(C) storm drainage or flood control;]~~

~~[(D) recreational facilities or parks;]~~

~~[(E) electric generation or transportation;]~~

~~[(F) construction or maintenance of local streets and roads;]~~

~~[(G) curb and gutter or sidewalk maintenance;]~~

~~[(H) garbage and refuse collection; and]~~

~~[(I) street lighting.]~~

~~[(5) This section applies only to counties of the first or second class.]~~

~~[(6) If the lieutenant governor excludes property from the proposed boundaries under Subsection (4), the lieutenant governor shall, within five days of the exclusion, send written notice of the exclusion to the contact sponsor.]~~

(5) Within five days after the day on which the lieutenant governor makes a determination on whether to exclude a property under Subsection (4), the lieutenant governor shall mail or transmit to the owner that requested the property's exclusion and to the contact sponsor written notice of whether the property is excluded from the proposed incorporation boundaries.

Section 8. Section **10-2a-204** is amended to read:

**10-2a-204. Processing a request for incorporation -- Certification or rejection by lieutenant governor -- Processing priority -- Determination by the Utah Population Committee.**

(1) Within 45 days ~~[of the filing of a request]~~ after the day on which an individual files a request under Section 10-2a-202, the lieutenant governor shall:

(a) with the assistance of other county officers of the county in which the incorporation is proposed from whom the lieutenant governor requests assistance, determine whether the request complies with Section 10-2a-202; and

(b) (i) if the lieutenant governor determines that the request complies with Section 10-2a-202:

(A) certify the request; ~~[and]~~

(B) ~~[mail or deliver]~~ transmit written notification of the certification to the contact

466 sponsor; ~~[or]~~ and

467 (C) transmit written notification of the certification to the Utah Population Committee;

468 or

469 (ii) if the lieutenant governor determines that the request fails to comply with Section  
470 10-2a-202 ~~[requirements]~~, reject the request and notify the contact sponsor in writing of the  
471 rejection and the reasons for the rejection.

472 (2) (a) Within 20 days after the day on which the lieutenant governor transmits written  
473 notification under Subsection (1)(b)(i)(C), the Utah Population Committee shall:

474 (i) determine whether, on the date the sponsors filed the request under Section  
475 10-2a-202 for the proposed municipality, the proposed municipality complied with the  
476 population, population density, and contiguity requirements described in Section 10-2a-201.5;  
477 and

478 (ii) provide the determination to the lieutenant governor.

479 (b) If the Utah Population Committee determines that a proposed municipality does not  
480 comply with the population, population density, or contiguity requirements described in  
481 Section 10-2a-201.5, the lieutenant governor shall rescind the certification described in  
482 Subsection (1)(b)(i) and reject the application in accordance with Subsection (1)(b)(ii).

483 ~~[(2)]~~ (3) The lieutenant governor shall certify or reject requests under Subsection (1) in  
484 the order in which ~~[they]~~ the requests are filed.

485 ~~[(3)]~~ (4) (a) (i) If the lieutenant governor rejects a request under Subsection (1)(b)(ii),  
486 the ~~[request may be amended]~~ sponsors may, subject to Section 10-2a-206, amend the request  
487 to correct the deficiencies for which [it was rejected and then refiled] the lieutenant governor  
488 rejected the request and refile the request with the lieutenant governor.

489 ~~[(ii) A signature on a request under Section 10-2a-202 may be used toward fulfilling~~  
490 ~~the signature requirement of Subsection 10-2a-202(2)(a) for the request as modified under~~  
491 ~~Subsection (3)(a)(i).]~~

492 (ii) The sponsors shall submit any amended request within 90 days after the day on  
493 which the lieutenant governor rejects the request under Subsection (1)(b)(ii).

494 (iii) The sponsors may reuse a signature described in Subsection 10-2a-202(1)(a) that is  
495 on a rejected request or on an amended request described in Subsection (4)(a)(i).

496 (b) ~~[If a request is]~~ The lieutenant governor shall consider a request that is amended



and refiled under Subsection ~~[(3)(a) after having been rejected by the lieutenant governor under~~  
~~Subsection (1)(b)(ii), it shall be considered as a newly filed request, and its processing priority~~  
~~is determined by the date on which it is refiled]~~ (4)(a) as a newly filed request and process the  
request in accordance with Subsection (3).

Section 9. Section **10-2a-205** is amended to read:

**10-2a-205. Feasibility study -- Feasibility study consultant -- Qualifications for proceeding with incorporation.**

(1) Within 90 days ~~[of receipt of a certified request]~~ after the day on which the  
lieutenant governor receives a request that the lieutenant governor certifies under Subsection  
10-2a-204(1)(b)(i), the lieutenant governor shall engage ~~[the]~~ a feasibility consultant [chosen  
under] selected, in accordance with Subsection (2), to conduct a feasibility study.

~~[(2) The feasibility consultant shall be chosen:]~~

~~[(a) (i) by the contact sponsor of the incorporation petition with the consent of the~~  
~~lieutenant governor; or]~~

~~[(ii) by the lieutenant governor if the designated sponsors state, in writing, that the~~  
~~contact sponsor defers selection of the feasibility consultant to the lieutenant governor; and]~~

~~[(b) in accordance with applicable procurement procedures.]~~

(2) (a) The lieutenant governor shall select a feasibility consultant in accordance with  
Title 63G, Chapter 6a, Utah Procurement Code.

(b) The lieutenant governor shall ensure that a feasibility consultant selected under  
Subsection (2)(a):

(i) has expertise in the processes and economics of local government; and

(ii) is not affiliated with:

(A) a sponsor of the feasibility study request to which the feasibility study relates; or

(B) the county in which the proposed municipality is located.

(3) The lieutenant governor shall require the feasibility consultant to:

~~[(a) complete the feasibility study and submit the written results to the lieutenant~~  
~~governor;]~~

(a) submit a draft of the feasibility study to each applicable person with whom the  
feasibility consultant is required to consult under Subsection (4)(c) within 90 days after the day  
on which the lieutenant governor engages the feasibility consultant to conduct the study;

(b) allow each person to whom the consultant provides a draft under Subsection (3)(a) to review and provide comment on the draft;

(c) submit a completed feasibility study, including a one-page summary of the results, to the following within 120 days after the day on which the lieutenant governor engages the feasibility consultant to conduct the study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed[- and];

(iii) the contact sponsor [~~no later than 90 days after the feasibility consultant is engaged to conduct the study~~]; and

(iv) each person to whom the consultant provided a draft under Subsection (3)(a); and

~~[(b) submit with the full written results of the feasibility study a summary of the results no longer than one page in length; and]~~

~~[(c)]~~ (d) attend the public hearings [~~under Subsection 10-2a-207(1) and~~] described in Section 10-2a-207 to present the feasibility study results and respond to questions from the public [~~at those hearings~~].

~~[(4)(a) The feasibility study shall consider:]~~

(4) (a) The feasibility consultant shall ensure that the feasibility study includes:

(i) an analysis of the population and population density within the area proposed for incorporation and the surrounding area;

~~[(ii) current and five-year projections of demographics and economic base in]~~

(ii) the current and projected five-year demographics and tax base within the boundaries of the proposed [city] municipality and surrounding area, including household size and income, commercial and industrial development, and public facilities;

~~[(iii) projected growth in the proposed city and in adjacent areas during the next five years;]~~

~~[(iv) subject to Subsection (4)(b), the present and five-year projections of the cost, including overhead, of governmental services in the proposed city, including:]~~

~~[(A) culinary water;]~~

~~[(B) secondary water;]~~

~~[(C) sewer;]~~

559           ~~[(D) law enforcement;]~~  
 560           ~~[(E) fire protection;]~~  
 561           ~~[(F) roads and public works;]~~  
 562           ~~[(G) garbage;]~~  
 563           ~~[(H) weeds; and]~~  
 564           ~~[(I) government offices;]~~  
 565           (iii) subject to Subsection (4)(b), the current and five-year projected cost of providing  
 566 municipal services to the proposed municipality, including administrative costs;  
 567           ~~[(v)]~~ (iv) assuming the same tax categories and tax rates as currently imposed by the  
 568 county and all other current service providers, the present and five-year projected revenue for  
 569 the proposed [city] municipality;  
 570           ~~[(vi) a projection of any new taxes per household]~~  
 571           (v) an analysis of the risks and opportunities that might affect the actual costs described  
 572 in Subsection (4)(a)(iii) or revenues described in Subsection (4)(a)(iv) of the newly  
 573 incorporated municipality;  
 574           (vi) an analysis of new revenue sources that may be available to the newly incorporated  
 575 municipality that are not available before the area incorporates, including an analysis of the  
 576 amount of revenues the municipality might obtain from those revenue sources;  
 577           (vii) the projected tax burden per household of any new taxes that may be levied within  
 578 the [incorporated area] proposed municipality within five years [of] after incorporation; and  
 579           ~~[(vii)]~~ (viii) the fiscal impact of the municipality's incorporation on unincorporated  
 580 areas, other municipalities, local districts, special service districts, and other governmental  
 581 entities in the county[-]; and  
 582           (ix) if the lieutenant governor excludes property from the proposed municipality under  
 583 Section 10-2a-203, an update to the map and legal description described in Subsection  
 584 10-2a-202(1)(e).  
 585           (b) (i) For purposes of Subsection (4)(a)~~[(iv)]~~(iii), the feasibility consultant shall  
 586 assume the proposed municipality will provide a level and quality of [governmental services to  
 587 be provided to the proposed city in the future] municipal services that fairly and reasonably  
 588 approximate the level and quality of [governmental] municipal services [being] that are  
 589 provided to the area of the proposed [city at the time of] municipality at the time the feasibility

590 consultant conducts the feasibility study.

591 (ii) In determining the present cost of a ~~[governmental service]~~ municipal service, the  
592 feasibility consultant shall consider:

593 (A) the amount it would cost the proposed ~~[city]~~ municipality to provide  
594 ~~[governmental]~~ the municipal service for the first five years after the municipality's  
595 incorporation; and

596 (B) the ~~[county's]~~ current municipal service provider's present and five-year projected  
597 cost of providing ~~[governmental]~~ the municipal service.

598 ~~[(iii) The costs calculated under Subsection (4)(a)(iv), shall take into account inflation~~  
599 ~~and anticipated growth.]~~

600 (iii) In calculating costs under Subsection (4)(a)(iii), the feasibility consultant shall  
601 account for inflation and anticipated growth.

602 (c) In conducting the feasibility study, the feasibility consultant shall consult with the  
603 following before submitting a draft of the feasibility study under Subsection (3)(a):

604 (i) if the proposed municipality will include lands owned by the United States federal  
605 government, the entity within the United States federal government that has jurisdiction over  
606 the land;

607 (ii) if the proposed municipality will include lands owned by the state, the entity within  
608 state government that has jurisdiction over the land;

609 (iii) each entity that provides a municipal service to a portion of the proposed  
610 municipality; and

611 (iv) any other special service district that provides services to a portion of the proposed  
612 municipality.

613 (5) If the ~~[five year]~~ five-year projected revenues calculated under Subsection  
614 (4)(a)~~[(v)]~~(iv) exceed the ~~[five year]~~ five-year projected costs calculated under Subsection  
615 (4)(a)~~[(iv)]~~(iii) by more than 5%, the feasibility consultant shall project and report the expected  
616 annual revenue surplus to the contact sponsor and the lieutenant governor.

617 (6) (a) Except as provided in Subsection (6)(b), if the results of the feasibility study, or  
618 a supplemental feasibility study described in Section 10-2a-206, show that the average annual  
619 amount of revenue calculated under Subsection (4)(a)(iv) does not exceed the average annual  
620 cost calculated under Subsection (4)(a)(iii) by more than 5%, the process to incorporate the

area that is the subject of the feasibility study or supplemental feasibility study may not proceed.

(b) The process to incorporate an area described in Subsection (6)(a) may proceed if a subsequent supplemental feasibility study conducted under Section 10-2a-206 for the proposed incorporation demonstrates compliance with Subsection (6)(a).

~~[(6)] (7)~~ If the results of the feasibility study or revised feasibility study do not ~~[meet the requirements of Subsection 10-2a-208(3)]~~ comply with Subsection (6), and if requested by the sponsors of the request, the feasibility consultant shall, as part of the feasibility study or revised feasibility study ~~[and if requested by the sponsors of the request]~~, make recommendations ~~[as to]~~ regarding how the boundaries of the proposed ~~[city]~~ municipality may be altered ~~[so that the requirements of Subsection 10-2a-208(3) may be met]~~ to comply with Subsection (6).

(8) The lieutenant governor shall post a copy of the feasibility study, and any supplemental feasibility study described in Section 10-2a-206, on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.

Section 10. Section **10-2a-206** is amended to read:

**10-2a-206. Modified request for feasibility study -- Supplemental feasibility study.**

(1) (a) ~~[(1)]~~ The sponsors of a feasibility study request may modify the request to alter the boundaries of the proposed ~~[city and then refile the request, as modified;]~~ municipality and refile the modified request with the lieutenant governor if:

~~[(A)]~~ (i) the results of the feasibility study do not ~~[meet the requirements of Subsection 10-2a-208(3)]~~ comply with Subsection 10-2a-205(6)(a); or

~~[(B)-(F)]~~ (ii) (A) the request ~~[meets the conditions of]~~ complies with Subsection ~~[10-2a-202]~~ 10-2a-201.5(4)(b);

~~[(H)]~~ (B) the annexation petition that proposed the annexation of an area that is part of the area proposed for incorporation has been denied; and

~~[(HH)]~~ (C) an incorporation petition based on the request has not been filed.

~~[(ii)-(A)]~~ (b) (i) ~~[A]~~ The sponsors of a feasibility study request may not file a modified request under Subsection (1)(a)(i)[(A) may not be filed] more than 90 days after the ~~[feasibility consultant's submission of the results of the study]~~ day on which the feasibility consultant

submits the final results of the feasibility study under Subsection 10-2a-205(3)(c).

~~[(B)]~~ (ii) ~~[A]~~ The sponsors of a request may not file a modified request under Subsection (1)(a)(i)(B) may not be filed (1)(a)(ii) more than 18 months after ~~[the filing of]~~ filing the original request under Section 10-2a-202.

~~[(b)]~~ (c) (i) Subject to Subsection (1)~~[(b)]~~(c)(ii), each modified request under Subsection (1)(a) shall comply with ~~[the requirements of Subsections 10-2a-202(2), (3), and (4)]~~ Subsections 10-2a-202(1) and (2) and Subsection 10-2a-201.5(4).

(ii) Notwithstanding Subsection (1)~~[(b)]~~(c)(i), a signature on a request filed under Section 10-2a-202 may be used toward fulfilling the signature requirement of Subsection 10-2a-202~~[(2)]~~(1)(a) for the request as modified under Subsection (1)(a), unless the modified request proposes the incorporation of an area that is more than 20% ~~[greater]~~ larger or smaller than the area described by the original request in terms of:

(A) private land area; or

(B) value of private real property.

(2) Within 20 days after the lieutenant governor's receipt of the modified request, the lieutenant governor shall follow the same procedure under Subsection 10-2a-204(1) for the modified request as ~~[provided under Subsection 10-2a-204(1)]~~ for an original request.

(3) The timely filing of a modified request under Subsection (1) gives the modified request the same processing priority under Subsection 10-2a-204~~[(2)]~~(3) as the original request.

(4) Within 10 days after the day on which the lieutenant ~~[governor's receipt of a certified]~~ governor receives a modified request under Subsection (1)(a)~~[(i)(A) or a certified modified request under Subsection (1)(a)(i)(B) that was filed after the completion of a feasibility study on the original request]~~ that relates to a request for which a feasibility study has already been completed, the lieutenant governor shall commission the feasibility consultant who conducted the feasibility study to ~~[supplement the feasibility study to take into account the information in the modified request that was not included in the original request]~~ conduct a supplemental feasibility study that accounts for the modified request.

(5) The lieutenant governor shall require the feasibility consultant to ~~[complete the supplemental feasibility study and to submit written results of the supplemental study to the lieutenant governor and to the contact sponsor no later than 30 days after the feasibility consultant is commissioned to conduct the supplemental feasibility study.];~~

(a) submit a draft of the supplemental feasibility study to each applicable person with whom the feasibility consultant is required to consult under Subsection 10-2a-205(4)(c) within 30 days after the day on which the feasibility consultant is engaged to conduct the supplemental study;

(b) allow each person to whom the consultant provided a draft under Subsection (5)(a) to review and provide comment on the draft; and

(c) submit a completed supplemental feasibility study, to the following within 45 days after the day on which the feasibility consultant is engaged to conduct the study:

(i) the lieutenant governor;

(ii) the county legislative body of the county in which the incorporation is proposed;

(iii) the contact sponsor; and

(iv) each person to whom the consultant provided a draft under Subsection (5)(a).

(6) (a) Subject to Subsection (6)(b), if the results of the supplemental feasibility study do not ~~[meet the requirements of Subsection 10-2a-208(3);(i) the sponsors may file a further modified request as provided in Subsection (1); and]~~ comply with Subsection 10-2a-205(6)(a), the sponsors may further modify the request in accordance with Subsection (1).

~~[(ii)]~~ (b) Subsections (2), (4), and (5) apply to a ~~[further]~~ modified request ~~[under]~~ described in Subsection (6)(a)[(i)].

~~[(b) A further modified request under Subsection (6)(a) shall, for purposes of its processing priority, be considered as an original request for a feasibility study under Section 10-2a-202.]~~

(c) The lieutenant governor shall consider a modified request described in Subsection (6)(a) as an original request for a feasibility study for purposes of determining the modified request's processing priority under Subsection 10-2a-204(3).

Section 11. Section **10-2a-207** is amended to read:

**10-2a-207. Public hearings on feasibility study results -- Notice of hearings.**

(1) If the results of the feasibility study or supplemental feasibility study ~~[meet the requirements of]~~ comply with Subsection ~~[10-2a-208(3)]~~ 10-2a-205(6)(a), the lieutenant governor shall, after receipt of the results of the feasibility study or supplemental feasibility study, ~~[schedule]~~ conduct at least two public hearings ~~[to be held]~~:

(a) within ~~[the following]~~ 60 days after ~~[receipt of]~~ the day on which the lieutenant

714 governor receives the results;  
715 (b) at least seven days apart;  
716 (c) except in a proposed municipality that will be a city of the fifth class or a town, in  
717 geographically diverse locations;  
718 (d) within or near the proposed [~~city, and~~] municipality;  
719 [~~(d) for the purpose of allowing;~~]  
720 [(~~ti~~) (e) to allow the feasibility consultant to present the results of the feasibility study;  
721 and  
722 [(~~ii~~) the public to become informed about the feasibility study results and to ask  
723 questions about those results of the feasibility consultant.]  
724 (f) to inform the public about the results of the feasibility study.  
725 (2) At [~~a~~] each public hearing described in Subsection (1), the lieutenant governor  
726 shall:  
727 (a) provide a map or plat of the boundary of the proposed [~~city~~] municipality;  
728 (b) provide a copy of the feasibility study for public review; [~~and~~]  
729 (c) allow members of the public to express [~~its~~] views about the proposed  
730 incorporation, including [~~its view~~] views about the proposed [~~boundary.~~] boundaries; and  
731 (d) allow the public to ask the feasibility consultant questions about the feasibility  
732 study.  
733 (3) (a) (i) The lieutenant governor shall publish notice of the public hearings [~~required~~  
734 ~~under~~] described in Subsection (1):  
735 (A) at least once a week for three [~~successive~~] consecutive weeks before the first  
736 hearing in a newspaper of general circulation within the proposed [~~city~~] municipality; and  
737 (B) for three weeks before the first hearing on the Utah Public Notice Website created  
738 in Section 63F-1-701[~~, for three weeks~~].  
739 (ii) The last [~~publication of~~] notice required to be published under Subsection  
740 (3)(a)(i)(A) shall be published at least three days before the first public hearing [~~required~~  
741 ~~under~~] described in Subsection (1).  
742 (b) (i) If, under Subsection (3)(a)(i)(A), there is no newspaper of general circulation  
743 within the proposed [~~city~~] municipality, the lieutenant governor shall post at least one notice of  
744 the hearings per 1,000 population in conspicuous places within the proposed [~~city~~] municipality



that are most likely to give notice of the hearings to the residents of the proposed [city]  
municipality.

(ii) The lieutenant governor shall post the notices ~~[under]~~ described in Subsection (3)(b)(i) at least seven days before the first hearing ~~[under]~~ described in Subsection (1).

(c) The notice ~~[under]~~ described in Subsections (3)(a) and (b) shall include the feasibility study summary ~~[under]~~ described in Subsection 10-2a-205(3)~~[(b)](c)~~ and shall indicate that a full copy of the study is available ~~[for inspection and copying]~~ on the lieutenant governor's website and for inspection at the Office of the Lieutenant Governor.

~~[(d) The lieutenant governor shall post a copy of the feasibility study on the lieutenant governor's website and make a copy available for public review at the Office of the Lieutenant Governor.]~~

Section 12. Section **10-2a-208** is amended to read:

**10-2a-208. Incorporation petition -- Requirements and form.**

(1) At any time within one year ~~[of the completion of]~~ after the day on which the lieutenant governor completes the public hearings ~~[required under Subsection 10-2a-207(1), a petition for incorporation of the area proposed to be incorporated as a city may be filed in the Office of the Lieutenant Governor.]~~ described in Section 10-2a-207, individuals within the proposed municipality may proceed with the incorporation process by circulating and submitting to the lieutenant governor an incorporation petition that, to be certified under Subsection 10-2a-209(1)(b)(i), is required to be signed by:

~~[(2) Each petition under Subsection (1) shall:]~~

~~[(a) be signed by:]~~

~~[(i)]~~ (a) 10% of all registered voters within the area proposed to be incorporated as a [city, according to the official voter registration list maintained by the county on] municipality, as of the date the petition is filed; [and]

~~[(ii)]~~ (b) if the petition proposes the incorporation of a city, and subject to Subsection (4), 10% of all registered voters within[, subject to Subsection (5),] 90% of the voting precincts within the area proposed to be incorporated as a city, [according to the official voter registration list maintained by the county on] as of the date the petition is filed; and

(c) the owners of private real property that:

(i) is located within the proposed municipality;

(ii) covers at least 10% of the total private land area within the proposed municipality;  
 and

(iii) is equal in value to at least 7% of the value of all private real property within the proposed municipality.

(2) The petition sponsors shall ensure that the petition:

~~[(b)]~~ (a) ~~[indicate]~~ includes the typed or printed name and current residence address of each ~~[owner signing]~~ voter that signs the petition;

~~[(c)]~~ (b) ~~[describe]~~ describes the area proposed to be incorporated as a ~~[city]~~ municipality, as described in the feasibility study request or modified request that ~~[meets the requirements of Subsection (3)]~~ complies with Subsection 10-2a-205(6)(a);

~~[(d)]~~ (c) ~~[state]~~ states the proposed name for the proposed ~~[city]~~ municipality;

~~[(e)]~~ (d) ~~[designate]~~ designates five signers of the petition as petition sponsors, one of whom ~~[shall be]~~ is designated as the contact sponsor, with the mailing address and telephone number of each;

~~[(f)]~~ (e) ~~[state]~~ if the sponsors propose the incorporation of a city, states that the signers of the petition appoint the sponsors, if the incorporation measure passes, to represent the signers in ~~[the process of]~~:

(i) selecting the number of commission or council members the new city will have; and

(ii) drawing district boundaries for the election of ~~[commission or]~~ council members, if the voters decide to elect ~~[commission or]~~ council members by district;

~~[(g)]~~ (f) ~~[be]~~ is accompanied by and circulated with an accurate plat or map, prepared by a licensed surveyor, showing the boundaries of the proposed ~~[city]~~ municipality; and

~~[(h)]~~ (g) substantially ~~[comply]~~ complies with and ~~[be]~~ is circulated in the following form:

PETITION FOR INCORPORATION OF (insert the proposed name of the proposed ~~[city]~~ municipality)

To the Honorable Lieutenant Governor:

We, the undersigned ~~[owners of real property]~~ registered voters within the area described in this petition, respectfully petition the lieutenant governor to direct the county legislative body to submit to the registered voters residing within the area described in this petition, at the next regular general election, the question of whether the area should

incorporate as a [city] municipality. Each of the undersigned affirms that each has personally signed this petition and is ~~[an owner of real property]~~ a registered voter who resides within the described area, and that the current residence address of each is correctly written after the signer's name. The area proposed to be incorporated as a [city] municipality is described as follows: (insert an accurate description of the area proposed to be incorporated).

~~[(3)] A petition for incorporation of a city under Subsection (1) may not be filed unless the results of the feasibility study or supplemental feasibility study show that the average annual amount of revenue under Subsection 10-2a-205(4)(a)(v) does not exceed the average annual amount of cost under Subsection 10-2a-205(4)(a)(iv) by more than 5%.]~~

~~[(4)]~~ (3) A valid signature on a request ~~[under]~~ described in Section 10-2a-202 or a modified request ~~[under]~~ described in Section 10-2a-206 may not be used toward fulfilling the signature requirement ~~[of]~~ described in Subsection ~~[(2)(a)]~~ (1):

(a) if the request ~~[under Section 10-2a-202 or modified request under Section 10-2a-206]~~ notified the signer in conspicuous language that the signature, unless withdrawn, would also be used for ~~[purposes of]~~ a petition for incorporation under this section; and

(b) unless the signer files with the lieutenant governor a written withdrawal of the signature before the petition is filed under this section ~~[is filed]~~ with the lieutenant governor.

~~[(5)]~~ (4) (a) A signature does not qualify ~~[as a signature to meet the requirement described in Subsection (2)(a)(ii)]~~ under Subsection (1)(b) if the signature is gathered from a voting precinct that:

(i) except in a proposed municipality that will be a city of the fifth class, is not located entirely within the boundaries of ~~[the]~~ a proposed city; or

(ii) includes less than 50 registered voters.

(b) A voting precinct that is not located entirely within the boundaries of the proposed city does not qualify as a voting precinct ~~[to meet the precinct requirements of Subsection (2)(a)(ii)]~~ under Subsection (1)(b).

Section 13. Section **10-2a-209** is amended to read:

**10-2a-209. Processing of petition by lieutenant governor -- Certification or rejection -- Petition modification.**

(1) Within 45 days ~~[of the filing of a petition]~~ after the day on which an incorporation petition is filed under Section 10-2a-208, the lieutenant governor shall:

(a) with the assistance of other county officers of the county in which the incorporation is proposed, and from whom the lieutenant governor requests assistance, determine whether the petition ~~[meets the requirements of]~~ complies with Section 10-2a-208; and

(b) (i) if the lieutenant governor determines that the petition ~~[meets those requirements]~~ complies with Section 10-2a-208, certify the petition and notify in writing the contact sponsor of the certification; or

(ii) if the lieutenant governor determines that the petition fails to ~~[meet any of those requirements]~~ comply with Section 10-2a-208, reject the petition and notify the contact sponsor in writing of the rejection and the reasons for the rejection.

(2) (a) If the lieutenant governor rejects a petition under Subsection (1)(b)(ii), the petition ~~[may be modified to]~~ sponsors may correct the deficiencies for which [it] the petition was rejected and ~~[then refiled]~~ refile the petition with the lieutenant governor.

(b) ~~[A]~~ Notwithstanding the deadline described in Subsection 10-2a-208(1), the petition sponsors may file a modified petition under Subsection (2)(a) [may be filed at any time until] no later than 30 days after the day on which the lieutenant governor notifies the contact sponsor of rejection under Subsection (1)(b)(ii)[, even though the modified petition is filed after the expiration of the deadline provided in Subsection 10-2a-208(1)].

(c) A valid signature on an incorporation petition ~~[under]~~ described in Section 10-2a-208 may be used toward fulfilling the signature requirement ~~[of Subsection 10-2a-208(2)(a) for the petition as]~~ described in Subsection 10-2a-208(1) for a petition that is modified under Subsection (2)(a).

(3) (a) Within 20 days ~~[of the lieutenant governor's receipt of]~~ after the day on which the lieutenant governor receives a modified petition under Subsection (2)(a), the lieutenant governor shall ~~[follow the same procedure for the modified petition as provided under Subsection (1) for an original petition]~~ review the modified petition in accordance with Subsection (1).

~~[(b) If the lieutenant governor rejects a modified petition under Subsection (1)(b)(ii), no further modification of that petition may be filed.]~~

(b) The sponsors of an incorporation petition may not modify the petition more than once.

Section 14. Section **10-2a-210** is amended to read:

**10-2a-210. Incorporation election.**

~~[(1)(a) Upon receipt of a certified petition under Subsection 10-2a-209(1)(b)(i) or a certified modified petition under Subsection 10-2a-209(3), the lieutenant governor shall:]~~

~~[(i) determine and set an election date for the incorporation election that is:]~~

~~[(A) on a regular general election date under Section 20A-1-201 or on a local special election date under Section 20A-1-203; and]~~

~~[(B) at least 65 days after the day that the lieutenant governor receives the certified petition; and]~~

(1) (a) If the lieutenant governor certifies a petition under Subsection 10-2a-209(1)(b), the lieutenant governor shall schedule an incorporation election for the proposed municipality described in the petition to be held on the date of the next regular general election described in Section 20A-1-201, or the next municipal general election described in Section 20A-1-202, that is at least 65 days after the day on which the lieutenant governor certifies the petition.

[(ii)] (b)(i) The lieutenant governor shall direct the county legislative body of the county in which the [incorporation is] proposed municipality is located to hold the election on the date [determined by] that the lieutenant governor [in accordance with] schedules under Subsection (1)(a)[(i)].

[(b)] (ii) The county shall hold the election as directed by the lieutenant governor [in accordance with Subsection (1)(a)(ii)] under Subsection (1)(b)(i).

~~[(c) Unless a person is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed city, the person may not vote on the proposed incorporation:]~~

(2) (a) [The] Except as provided in Subsection (2)(d)(i), the county clerk shall publish notice of the election:

(i) at least once a week for three consecutive weeks before the hearing in a newspaper of general circulation within [the area proposed to be incorporated at least once a week for three successive weeks] the proposed municipality; and

(ii) for three weeks before the hearing in accordance with Section 45-1-101 [for three weeks].

(b) The notice [required by Subsection (2)(a)] described in Subsections (2)(a) and (d) shall contain:

(i) a ~~[statement]~~ description of the contents of the petition;

(ii) a description of the area proposed to be incorporated as a ~~[city]~~ municipality;

(iii) a statement of the date and time of the election and the location of polling places;

and

(iv) the feasibility study summary ~~[under]~~ described in Subsection 10-2a-205(3)~~(b)~~(c)

and a statement that a full copy of the study is available on the lieutenant governor's website  
and for inspection ~~[and copying]~~ at the Office of the Lieutenant Governor.

(c) The last ~~[publication of]~~ notice required to be published under Subsection (2)(a) shall ~~[occur]~~ be published at least one day, but no more than seven days, before the election.

(d) (i) ~~[In accordance with Subsection (2)(a)(i), if]~~ If there is no newspaper of general circulation within the proposed ~~[city]~~ municipality, the county clerk shall post at least one notice of the election, and at least one additional notice of the election per 1,000 population of the proposed municipality, in conspicuous places within the proposed ~~[city]~~ municipality that are most likely to give notice of the election to the voters of the proposed ~~[city]~~ municipality.

(ii) The clerk shall post the notices ~~[under]~~ described in Subsection (2)(d)(i) at least seven days before the election ~~[under Subsection (1)]~~.

(3) An individual may not vote in an incorporation election under this section unless the individual is a registered voter who resides, as defined in Section 20A-1-102, within the boundaries of the proposed municipality.

~~[(3)] (4) If a majority of those [casting votes within the area boundaries of the proposed city vote to incorporate as a city,] who vote in an incorporation election held under this section cast votes in favor of incorporation,~~ the area shall incorporate.

Section 15. Section **10-2a-211** is amended to read:

**10-2a-211. Ballot used in incorporation election.**

(1) (a) The ballot ~~[at the]~~ used in an incorporation election ~~[under Subsection 10-2a-210(1)]~~ described in Section 10-2a-210 shall pose the incorporation question substantially as follows:

"Shall the area described as (insert a description of the proposed ~~[city]~~ municipality) be incorporated as ~~[the city of]~~ (insert the proposed name of the proposed ~~[city]~~ municipality)?"

~~[(2)] (b)~~ The ballot shall provide a space for the voter to answer "yes" or "no" to the question described in Subsection (1)(a).

931 ~~[(3)(a)]~~ (2) The ballot ~~[at the]~~ for an incorporation election for a proposed city shall  
 932 also;

933 (a) (i) pose the question relating to the form of government substantially as follows:

934 "If the above incorporation proposal passes, under what form of municipal government  
 935 shall (insert the name of the proposed city) operate? Vote for one:

936 Five-member council form

937 Six-member council form

938 Five-member council-mayor form

939 Seven-member council-mayor form."

940 ~~[(b)]~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to vote for one form of  
 941 government~~[-]; and~~

942 ~~[(4)(a)]~~ The ballot at the incorporation election shall also]

943 (b) (i) pose the question of whether to elect city council members by district  
 944 substantially as follows:

945 "If the above incorporation proposal passes, shall members of the city council of (insert  
 946 the name of the proposed city) be elected by district?"; and

947 ~~[(b)]~~ (ii) ~~[The ballot shall]~~ provide a space for the voter to answer "yes" or "no" to the  
 948 question described in Subsection ~~[(4)(a)]~~ (2)(b)(i).

949 Section 16. Section **10-2a-212** is amended to read:

950 **10-2a-212. Notification to lieutenant governor of incorporation election results.**

951 Within 10 days ~~[of]~~ after the day on which the county conducts a canvass of the  
 952 incorporation election, the county clerk shall send written notice to the lieutenant governor of:

953 (1) the results of the election; and

954 (2) if the incorporation measure passes~~[-(a)]~~, the name of the ~~[city; and]~~ municipality.

955 ~~[(b) the class of the city as provided under Section 10-2-301.]~~

956 Section 17. Section **10-2a-213** is amended to read:

957 **10-2a-213. Determination of number of council members -- Determination of**  
 958 **election districts -- Hearings and notice.**

959 (1) If the incorporation proposal passes, the petition sponsors shall, within ~~[25 days of~~  
 960 ~~the]~~ 60 days after the day on which the county conducts the canvass of the election under

961 Section ~~[10-2a-210]~~ 10-2a-212:

962 (a) for the incorporation of a city:

963 ~~[(a)]~~ (i) if the voters at the incorporation election choose the council-mayor form of  
 964 government, determine the number of council members that will constitute the city council of  
 965 the ~~[future]~~ city; and

966 ~~[(b)]~~ (ii) if the voters at the incorporation election vote to elect council members by  
 967 district, determine the number of council members to be elected by district and draw the  
 968 boundaries of those districts, which shall be substantially equal in population; and

969 (b) for the incorporation of any municipality:

970 ~~[(c)]~~ (i) determine the initial terms of the mayor and members of the ~~[city]~~ municipal  
 971 council so that:

972 ~~[(i)]~~ (A) the mayor and approximately half the members of the ~~[city]~~ municipal council  
 973 are elected to serve an initial term, of no less than one year, that allows ~~[their]~~ the mayor's and  
 974 members' successors to serve a full four-year term that coincides with the schedule established  
 975 in Subsection 10-3-205(1); and

976 ~~[(ii)]~~ (B) the remaining members of the ~~[city]~~ municipal council are elected to serve an  
 977 initial term, of no less than one year, that allows ~~[their]~~ the members' successors to serve a full  
 978 four-year term that coincides with the schedule established in Subsection 10-3-205(2); and

979 ~~[(d)]~~ (ii) submit in writing to the county legislative body the results of the ~~[sponsors'~~  
 980 ~~determinations]~~ determinations made by the sponsors under Subsections (1)(a)~~[(b), and (c)]~~  
 981 and (b)(i).

982 (2) A newly incorporated town shall operate under the five-member council form of  
 983 government as defined in Section 10-3b-102.

984 ~~[(2)]~~ (3) (a) Before making a determination under Subsection ~~[(1)(a), (b), or (c)]~~ (1)(a)  
 985 or (b)(i), the petition sponsors shall hold a public hearing within the future ~~[city]~~ municipality  
 986 on the applicable issues ~~[under]~~ described in Subsections (1)(a)~~[(b), and (c)]~~ and (b)(i).

987 (b) (i) ~~[The]~~ Except as provided in Subsection (3)(c), the petition sponsors shall  
 988 publish notice of the public hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a):

989 (A) at least once a week for two consecutive weeks before the hearing in a newspaper  
 990 of general circulation within the future ~~[city at least once a week for two successive weeks~~  
 991 ~~before the hearing]~~ municipality; and

992 (B) for two weeks before the hearing on the Utah Public Notice Website created in



Section 63F-1-701[, for two weeks before the hearing].

(ii) The last ~~[publication of]~~ notice required to be published under Subsection ~~[(2)]~~ (3)(b)(i)(A) shall be published at least three days before the public hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a).

(c) (i) ~~[In accordance with Subsection (2)(b)(i)(A), if]~~ If there is no newspaper of general circulation within the future ~~[city]~~ municipality, the petition sponsors shall post at least one notice of the hearing, and at least one additional notice of the hearing per 1,000 population of the proposed municipality, in conspicuous places within the future ~~[city]~~ municipality that are most likely to give notice of the hearing to the residents of the future ~~[city]~~ municipality.

(ii) The petition sponsors shall post the notices ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(c)(i) at least seven days before the hearing ~~[under]~~ described in Subsection ~~[(2)]~~ (3)(a).

Section 18. Section **10-2a-214** is amended to read:

**10-2a-214. Notice of number of council members to be elected and of district boundaries -- Declaration of candidacy for municipal office.**

(1) (a) Within 20 days ~~[of the county legislative body's receipt of the information]~~ after the day on which a county legislative body receives the petition sponsors' determination under Subsection 10-2a-213(1)~~[(d)]~~(b)(ii), the county clerk shall publish, in accordance with Subsection (1)(b), notice containing:

(i) the number of ~~[commission or]~~ municipal council members to be elected for the new ~~[city]~~ municipality;

(ii) if some or all of the ~~[commission or]~~ municipal council members are to be elected by district, a description of the boundaries of those districts ~~[as designated by the petition sponsors under Subsection 10-2a-213(1)(b)]~~;

(iii) information about the deadline for ~~[filing]~~ an individual to file a declaration of candidacy ~~[for those seeking to become candidates]~~ to become a candidate for mayor or ~~[city commission or]~~ municipal council; and

(iv) information about the length of the initial term of each of the ~~[city officers, as determined by the petition sponsors under Subsection 10-2a-213(1)(c)]~~ municipal officers.

~~[(b) The notice under Subsection (1)(a) shall be published:]~~

(b) Except as provided in Subsection (1)(c), the county clerk shall publish the notice described in Subsection (1)(a):

(i) at least once a week for two consecutive weeks, before the deadline for filing a declaration of candidacy under Subsection (2), in a newspaper of general circulation within the future [city at least once a week for two successive weeks] municipality; and

(ii) for two weeks, before the deadline for filing a declaration of candidacy under Subsection (2), in accordance with Section 45-1-101 [for two weeks].

(c) (i) ~~[In accordance with Subsection (1)(b)(i), if]~~ If there is no newspaper of general circulation within the future [city] municipality, the county clerk shall post at least one notice described in Subsection (1)(a), and one additional notice described in Subsection (1)(a) per 1,000 population of the proposed municipality, in conspicuous places within the future [city] municipality that are most likely to give notice to the residents of the future [city] municipality.

~~[(ii) The notice under Subsection (1)(c)(i) shall contain the information required under Subsection (1)(a).]~~

~~[(iii) (ii) [The petition sponsors] The county clerk shall post the notices [under] described in Subsection (1)(c)(i) at least seven days before the deadline for filing a declaration of candidacy under Subsection (2).~~

(2) Notwithstanding Subsection 20A-9-203(3)(a), each individual seeking to become a candidate for mayor or ~~[city commission or]~~ municipal council of a [city] municipality incorporating under this part shall file a declaration of candidacy with the clerk of the county in which the future [city] municipality is located and in accordance with ~~[the deadlines set by the clerk as authorized by Section 10-2a-215.]:~~

(a) for an incorporation held on the date of a regular general election, the deadlines for filing a declaration of candidacy under Section 20A-9-202; or

(b) for an incorporation held on the date of a municipal general election, the deadlines for filing a declaration of candidacy under Section 20A-9-203.

Section 19. Section **10-2a-215** is amended to read:

**10-2a-215. Election of officers of new municipality -- Primary and final election dates -- County clerk duties -- Candidate duties -- Occupation of office.**

(1) For the election of [city] municipal officers, the county legislative body shall:

(a) unless a primary election is prohibited ~~[by]~~ under Subsection 20A-9-404(2), hold a primary election; and

(b) unless the election may be cancelled in accordance with Section 20A-1-206, hold a

1055 final election.

1056 (2) Each election ~~[under]~~ described in Subsection (1) shall be held:

1057 (a) consistent with the petition sponsors' determination of the length of each council  
1058 member's initial term; and

1059 (b) for the incorporation of a city:

1060 ~~[(a)]~~ (i) appropriate to the form of government chosen by the voters at the  
1061 incorporation election;

1062 ~~[(b)]~~ (ii) consistent with the voters' decision about whether to elect ~~[commission or]~~  
1063 city council members by district and, if applicable, consistent with the boundaries of those  
1064 districts as determined by the petition sponsors; and

1065 ~~[(c)]~~ (iii) consistent with the sponsors' determination of the number of ~~[commission or]~~  
1066 city council members to be elected ~~[and the length of their initial term].~~

1067 (3) (a) Subject to Subsection (3)(b), and notwithstanding Subsection 20A-1-201.5(2),  
1068 the primary election ~~[under]~~ described in Subsection (1)(a) shall be held at the earliest of the  
1069 next:

1070 ~~[(i) notwithstanding Subsection 20A-1-201.5(2), regular general election under Section~~  
1071 ~~20A-1-201;]~~

1072 ~~[(ii)]~~ (i) ~~[notwithstanding Subsection 20A-1-201.5(2);]~~ regular primary election ~~[under]~~  
1073 described in Subsection 20A-1-201.5(1); or

1074 ~~[(iii)]~~ (ii) municipal primary election ~~[under]~~ described in Section 20A-9-404~~[-or]~~.

1075 ~~[(iv) notwithstanding Subsection 20A-1-201.5(2), municipal general election under~~  
1076 ~~Section 20A-1-202;]~~

1077 (b) The county shall hold the primary election, if necessary, on the next ~~[earliest]~~  
1078 election date ~~[listed in Subsection (3)(a)(i), (ii), (iii), or (iv) that is at least: (i) 75 days]~~  
1079 described in Subsection (3)(a) that is after the incorporation election conducted under Section  
1080 10-2a-210~~[-and]~~.

1081 ~~[(ii) 65 days after the last day of the candidate filing period.]~~

1082 (4) (a) Subject to Subsection (4)(b), the county shall hold the final election ~~[under]~~  
1083 described in Subsection (1)(b) ~~[on one of the following election dates]:~~

1084 (i) on the following election date that next follows the date of the incorporation  
1085 election held under Subsection 10-2a-210(1)(a);

1086           ~~[(i)]~~ (ii) a regular general election ~~[under]~~ described in Section 20A-1-201; or  
 1087           ~~[(ii)]~~ ~~municipal primary election under Section 20A-9-404;~~  
 1088           ~~[(iii)]~~ (iii) a regular municipal general election under Section 20A-1-202~~[-or]~~.  
 1089           ~~[(iv)]~~ ~~regular primary election under Section 20A-1-201.5.]~~  
 1090           (b) The county shall hold the final election on the earliest of the next election date that  
 1091 is listed in Subsection (4)(a)(i), (ii), or (iii)~~[-or (iv)]~~:  
 1092           (i) that is after a primary election; or  
 1093           (ii) if there is no primary election, that is at least:  
 1094           (A) 75 days after the incorporation election under Section 10-2a-210; and  
 1095           (B) 65 days after the candidate filing period.  
 1096           (5) (a) (i) ~~[The]~~ Except as provided in Subsection (5)(b), the county clerk shall publish  
 1097 notice of an election conducted under this section:  
 1098           (A) at least once a week for two ~~[successive]~~ consecutive weeks before the election in  
 1099 a newspaper of general circulation within the future ~~[city]~~ municipality; and  
 1100           (B) for two weeks in accordance with Section 45-1-101 ~~[for two weeks]~~.  
 1101           (ii) The ~~[later]~~ last notice required to be published under Subsection (5)(a)(i) shall be  
 1102 published at least one day, but no more than seven days, before the election.  
 1103           (b) (i) ~~[In accordance with Subsection (5)(a)(i)(A), if]~~ If there is no newspaper of  
 1104 general circulation within the future ~~[city]~~ municipality, the county clerk shall post at least one  
 1105 notice of the election, and at least one additional notice of the election per 1,000 population in  
 1106 the proposed municipality, in conspicuous places within the future ~~[city]~~ municipality that are  
 1107 most likely to give notice of the election to the voters of the municipality.  
 1108           (ii) The county clerk shall post the notices ~~[under]~~ described in Subsection (5)(b)(i) at  
 1109 least seven days before each election ~~[under]~~ described in Subsection (1).  
 1110           (6) ~~[(a)]~~ Until the ~~[city]~~ municipality is incorporated, the county clerk:  
 1111           ~~[(i)]~~ (a) is the election officer for all purposes ~~[in an election of officers of the city~~  
 1112 ~~approved at an incorporation election; and]~~ related to the election of municipal officers;  
 1113           ~~[(ii)]~~ (b) may, as necessary, determine appropriate deadlines, procedures, and  
 1114 instructions related to the election of municipal officers for a new municipality that are not  
 1115 otherwise contrary to law~~[-]~~;  
 1116           ~~[(b)]~~ (c) ~~[The county clerk]~~ shall require and determine deadlines for ~~[the filing of]~~

1117 municipal office candidates to file campaign financial disclosures ~~[of city officer candidates]~~ in  
1118 accordance with Section 10-3-208~~[-]; and~~

1119 ~~[(c) The county clerk is responsible to ensure that:]~~

1120 ~~[(i) a primary or final election for the officials of a newly incorporated city is held on a~~  
1121 ~~date authorized by this section; and]~~

1122 ~~[(ii)]~~ (d) shall ensure that the ballot for the election includes each office that is  
1123 required to be included in the election for officers of the newly incorporated ~~[city and]~~  
1124 municipality, including the term of each office.

1125 (7) ~~[A person]~~ An individual who has filed as a candidate for an office described in this  
1126 section shall comply with:

1127 (a) the campaign finance disclosure requirements ~~[of]~~ described in Section 10-3-208;  
1128 and

1129 (b) the requirements and deadlines ~~[as lawfully set forth]~~ established by the county  
1130 clerk under this section.

1131 (8) Notwithstanding Section 10-3-201, the officers elected at a final election described  
1132 in Subsection (4)(a) shall take office:

1133 (a) after taking the oath of office; and

1134 (b) at noon on the first Monday following the day on which the election official  
1135 transmits a certificate of nomination or election under the officer's seal to each elected  
1136 candidate in accordance with Subsection 20A-4-304(2)(c)(ii).

1137 Section 20. Section **10-2a-216** is amended to read:

1138 **10-2a-216. Notification to lieutenant governor of election of municipal officers.**

1139 Within 10 days ~~[of]~~ after the day on which the county conducts the canvass of the final  
1140 election of ~~[city]~~ municipal officers under Section 10-2a-215, the county clerk shall send  
1141 written notice to the lieutenant governor of the name and position of each officer elected in a  
1142 new municipality and the term for which each has been elected.

1143 Section 21. Section **10-2a-217** is amended to read:

1144 **10-2a-217. Filing of notice and approved final local entity plat with lieutenant**  
1145 **governor -- Effective date of incorporation -- Necessity of recording documents and effect**  
1146 **of not recording.**

1147 (1) The mayor of the future ~~[city]~~ municipality shall:

1148 (a) within 30 days after the day of the canvass of the final election of [city] municipal  
1149 officers under Section 10-2a-215, file with the lieutenant governor:

1150 (i) a copy of a notice of an impending boundary action, as defined in Section 67-1a-6.5,  
1151 that ~~[meets the requirements of]~~ complies with Subsection 67-1a-6.5(3); and

1152 (ii) a copy of an approved final local entity plat, as defined in Section 67-1a-6.5; and

1153 (b) upon the lieutenant governor's issuance of a certificate of incorporation under  
1154 Section 67-1a-6.5:

1155 (i) if the [city] municipality is located within the boundary of a single county, submit to  
1156 the recorder of that county the original:

1157 (A) notice of an impending boundary action;  
1158 (B) certificate of incorporation; and  
1159 (C) approved final local entity plat; or

1160 (ii) if the [city] municipality is located within the boundaries of more than ~~[a single]~~  
1161 one county, submit the original of the documents ~~[listed in Subsections (1)(b)(i)(A), (B), and~~  
1162 ~~(C)]~~ described in Subsection (1)(b)(i) to one of those counties and a certified copy of those  
1163 documents to each other county.

1164 (2) (a) The incorporation of a new municipality is effective upon the lieutenant  
1165 governor's issuance of a certificate of incorporation under Section 67-1a-6.5.

1166 (b) Notwithstanding any other provision of law, a [city] municipality is conclusively  
1167 presumed to be lawfully incorporated and existing if, for two years following the [city's]  
1168 municipality's incorporation:

1169 (i) (A) the [city] municipality has levied and collected a property tax; or  
1170 (B) for a [city] municipality incorporated on or after July 1, 1998, the [city]  
1171 municipality has imposed a sales and use tax; and

1172 (ii) no challenge to the existence or incorporation of the [city] municipality has been  
1173 filed in the district court for the county in which the [city] municipality is located.

1174 (3) (a) The effective date of an incorporation for purposes of assessing property within  
1175 the new [city] municipality is governed by Section 59-2-305.5.

1176 (b) Until the documents listed in Subsection (1)(b) are recorded in the office of the  
1177 recorder of each county in which the property is located, a newly incorporated [city]  
1178 municipality may not:

- 1179 (i) levy or collect a property tax on property within the [city] municipality;  
1180 (ii) levy or collect an assessment on property within the [city] municipality; or  
1181 (iii) charge or collect a fee for service provided to property within the [city]  
1182 municipality.

1183 Section 22. Section **10-2a-218** is amended to read:

1184 **10-2a-218. Powers of officers-elect.**

1185 (1) ~~Upon the~~ After the county conducts the canvass of the final election of [city]  
1186 municipal officers under Section 10-2a-215, and until the future [city] municipality becomes  
1187 legally incorporated, the officers of the future [city] municipality may:

1188 (a) prepare and adopt, under Chapter 6, Uniform Fiscal Procedures Act for Utah Cities,  
1189 a proposed budget and compilation of ordinances;

1190 (b) negotiate and make personnel contracts and hirings;

1191 (c) negotiate and make service contracts;

1192 (d) negotiate and make contracts to purchase equipment, materials, and supplies;

1193 (e) borrow funds from the county in which the future [city] municipality is located  
1194 under Subsection 10-2a-219(3);

1195 (f) borrow funds for startup expenses of the future [city] municipality;

1196 (g) issue tax anticipation notes in the name of the future [city] municipality; and

1197 (h) make appointments to the [city's] municipality's planning commission.

1198 (2) The ~~[city's legislative body]~~ municipal council shall review and ratify each contract  
1199 made by ~~[the officers]~~ a municipal officer under Subsection (1) within 30 days after the day on  
1200 which the municipality's incorporation is effective ~~[date of incorporation]~~ under Section  
1201 10-2a-217.

1202 Section 23. Section **10-2a-219** is amended to read:

1203 **10-2a-219. Division of municipal service revenues -- County may provide startup**  
1204 **funds.**

1205 (1) The county in which an area incorporating under this part is located shall, until the  
1206 ~~[date of the city's]~~ day on which the municipality's incorporation is effective under Section  
1207 10-2a-217, continue to:

1208 (a) ~~[to]~~ levy and collect ad valorem property tax and other revenues from or pertaining  
1209 to the future [city] municipality; and

(b) except as otherwise agreed by the county and the officers of the [city] municipality, to provide the same services to the future [city] municipality as the county provided before the commencement of the incorporation proceedings.

(2) (a) The legislative body of the county in which a newly incorporated [city] municipality is located shall share pro rata with the new [city] municipality, based on the date of incorporation, the taxes and service charges or fees levied and collected by the county under Section 17-34-3 during the year of the new [city's] municipality's incorporation if and to the extent that the new [city] municipality provides, by itself or by contract, the same services for which the county levied and collected the taxes and service charges or fees.

(b) (i) The legislative body of a county in which a [city] municipality incorporated after January 1, 2004, is located may share with the new [city] municipality taxes and service charges or fees that were levied and collected by the county under Section 17-34-3:

(A) before the year of the new [city's] municipality's incorporation;

(B) from the previously unincorporated area that, because of the [city's] municipality's incorporation, is located within the boundaries of the newly incorporated [city] municipality; and

(C) ~~[for the purpose of providing]~~ to provide services to the area that before the new [city's] municipality's incorporation was unincorporated.

(ii) A county legislative body may share taxes and service charges or fees under Subsection (2)(b)(i) by a direct appropriation of funds or by a credit or offset against amounts due under a contract for ~~[municipal-type services]~~ a municipal service provided by the county to the new [city] municipality.

(3) (a) The legislative body of a county in which an area incorporating under this part is located may appropriate county funds to:

(i) before incorporation but after the canvass of the final election of [city] municipal officers under Section 10-2a-215, the officers of the future [city] municipality to pay startup expenses of the future [city] municipality; or

(ii) after incorporation, the new [city] municipality.

(b) Funds appropriated under Subsection (3)(a) may be distributed in the form of a grant, a loan, or as an advance against future distributions made under Subsection (2).

Section 24. Section **10-2a-220** is amended to read:



**10-2a-220. Costs of incorporation -- Fees established by lieutenant governor.**

(1) (a) There is created an expendable special revenue fund known as the "Municipal Incorporation Expendable Special Revenue Fund."

(b) The fund shall consist of:

(i) appropriations from the Legislature; and

(ii) fees the Office of the Lieutenant Governor collects and remits to the fund under this section.

(c) The Office of the Lieutenant Governor shall deposit all money collected under this section into the fund.

~~[(+)]~~ (2) (a) The lieutenant governor shall establish a fee in accordance with Section 63J-1-504 for a cost incurred by the lieutenant governor for an incorporation proceeding, including:

(i) a request certification;

(ii) a feasibility study;

(iii) a petition certification;

(iv) publication of notices;

(v) public hearings;

(vi) all other incorporation activities occurring after the elections; and

(vii) any other cost incurred by the lieutenant governor in relation to an incorporation proceeding.

(b) A cost under Subsection ~~[(+)]~~ (2)(a) does not include a cost incurred by a county for holding an election under Section 10-2a-210.

~~[(2) Subject to Subsection (3)(a), the lieutenant governor shall, by supplemental appropriations,]~~

(3) The lieutenant governor shall pay for a cost described in [Subsections (1)(a)(i) through (vii)] Subsection (2)(a) using funds from the Municipal Incorporation Expendable Special Revenue Fund.

~~[(3) If incorporation occurs, the new city shall pay:]~~

(4) (a) An area that incorporates as a municipality shall pay:

~~[(+)]~~ (i) to the lieutenant governor each fee established under Subsection [(+)] (2) for each [incurred cost described in Subsections (1)(a)(i) through (vii)] cost described in

1272 Subsection (2)(a) incurred by the lieutenant governor; and  
 1273 [(b)] (ii) the county for a cost described in Subsection [(+)] (2)(b).  
 1274 (b) The lieutenant governor shall execute a payback agreement with each new  
 1275 municipality for the new municipality to pay the fees described in Subsection (4)(a) over a  
 1276 period that, except as provided in Subsection (4)(c), may not exceed five years.  
 1277 (c) If necessary, the lieutenant governor may extend a fee payment deadline beyond the  
 1278 deadline described in Subsection (4)(b) by amending the payback agreement described in  
 1279 Subsection (4)(b).  
 1280 (d) The lieutenant governor shall deposit each fee the lieutenant governor collects  
 1281 under Subsection (4)(a)(i) into the Municipal Incorporation Expendable Special Revenue Fund.  
 1282 (5) If the lieutenant governor expends funds from the Municipal Incorporation  
 1283 Expendable Special Revenue Fund that are not repaid to the lieutenant governor under  
 1284 Subsection (4)(a)(i) because an area did not incorporate as a municipality, the Legislature shall  
 1285 appropriate money to the fund in an amount equal to the funds that are not repaid.  
 1286 Section 25. Section **10-2a-402** is amended to read:  
 1287 **10-2a-402. Application.**  
 1288 (1) The provisions of this part:  
 1289 (a) apply to a planning township that is:  
 1290 (i) located in a county of the first class; and  
 1291 (ii) established before January 1, 2015; and  
 1292 (b) do not apply to a planning advisory area, as defined in Section 17-27a-103, or any  
 1293 other unincorporated area located outside of a county of the first or second class.  
 1294 (2) (a) The provisions of Part 2, Incorporation of a ~~[City, and Part 3, Incorporation of a~~  
 1295 ~~Town,]~~ Municipality, apply to an unincorporated area described in Subsection (1) for an  
 1296 incorporation as a city after November 3, 2015.  
 1297 (b) The provisions of Chapter 2, Part 4, Annexation, apply to an unincorporated island  
 1298 that is not annexed at an election under this part for purposes of annexation on or after  
 1299 November 4, 2015.  
 1300 Section 26. Section **10-2a-413** is amended to read:  
 1301 **10-2a-413. Incorporation under this part subject to other provisions.**  
 1302 (1) An incorporation of a metro township, city, or town under this part is subject to the

1303 following provisions to the same extent as the incorporation of a city under Part 2,  
1304 Incorporation of a ~~[City]~~ Municipality:

1305 (a) Section 10-2a-217;  
1306 (b) Section 10-2a-219; and  
1307 (c) Section 10-2a-220.

1308 (2) An incorporation of a city or town under this part is subject to Section 10-2a-218 to  
1309 the same extent as the incorporation of a city or town under Part 2, Incorporation of a ~~[City]~~  
1310 Municipality.

1311 Section 27. Section **20A-1-203** is amended to read:

1312 **20A-1-203. Calling and purpose of special elections -- Two-thirds vote**  
1313 **limitations.**

1314 (1) Statewide and local special elections may be held for any purpose authorized by  
1315 law.

1316 (2) (a) Statewide special elections shall be conducted using the procedure for regular  
1317 general elections.

1318 (b) Except as otherwise provided in this title, local special elections shall be conducted  
1319 using the procedures for regular municipal elections.

1320 (3) The governor may call a statewide special election by issuing an executive order  
1321 that designates:

1322 (a) the date for the statewide special election; and  
1323 (b) the purpose for the statewide special election.

1324 (4) The Legislature may call a statewide special election by passing a joint or  
1325 concurrent resolution that designates:

1326 (a) the date for the statewide special election; and  
1327 (b) the purpose for the statewide special election.

1328 (5) (a) The legislative body of a local political subdivision may call a local special  
1329 election only for:

1330 (i) a vote on a bond or debt issue;  
1331 (ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;  
1332 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;  
1333 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1334 (v) if required or authorized by federal law, a vote to determine whether ~~[or not]~~ Utah's  
1335 legal boundaries should be changed;

1336 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;

1337 (vii) a vote to elect members to school district boards for a new school district and a  
1338 remaining school district, as defined in Section 53G-3-102, following the creation of a new  
1339 school district under Section 53G-3-302;

1340 (viii) a vote on a municipality providing cable television services or public  
1341 telecommunications services under Section 10-18-204;

1342 (ix) a vote to create a new county under Section 17-3-1;

1343 (x) a vote on the creation of a study committee under Sections 17-52a-302 and  
1344 17-52a-304;

1345 (xi) a vote on a special property tax under Section 53F-8-402;

1346 (xii) a vote on the incorporation of a [city] municipality in accordance with Section  
1347 10-2a-210; or

1348 ~~[(xiii) a vote on the incorporation of a town in accordance with Section 10-2a-304; or]~~  
1349 ~~[(xiv)]~~ (xiii) a vote on incorporation or annexation as described in Section 10-2a-404.

1350 (b) The legislative body of a local political subdivision may call a local special election  
1351 by adopting an ordinance or resolution that designates:

1352 (i) the date for the local special election as authorized by Section 20A-1-204; and  
1353 (ii) the purpose for the local special election.

1354 (c) A local political subdivision may not call a local special election unless the  
1355 ordinance or resolution calling a local special election under Subsection (5)(b) is adopted by a  
1356 two-thirds majority of all members of the legislative body, if the local special election is for:

1357 (i) a vote on a bond or debt issue as described in Subsection (5)(a)(i);  
1358 (ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or  
1359 (iii) a vote authorized or required for a sales tax issue as described in Subsection  
1360 (5)(a)(vi).

1361 Section 28. Section **20A-11-101** is amended to read:

1362 **20A-11-101. Definitions.**

1363 As used in this chapter:

1364 (1) "Address" means the number and street where an individual resides or where a

1365 reporting entity has its principal office.

1366 (2) "Agent of a reporting entity" means:

1367 (a) a person acting on behalf of a reporting entity at the direction of the reporting  
1368 entity;

1369 (b) a person employed by a reporting entity in the reporting entity's capacity as a  
1370 reporting entity;

1371 (c) the personal campaign committee of a candidate or officeholder;

1372 (d) a member of the personal campaign committee of a candidate or officeholder in the  
1373 member's capacity as a member of the personal campaign committee of the candidate or  
1374 officeholder; or

1375 (e) a political consultant of a reporting entity.

1376 (3) "Ballot proposition" includes initiatives, referenda, proposed constitutional  
1377 amendments, and any other ballot propositions submitted to the voters that are authorized by  
1378 the Utah Code Annotated 1953.

1379 (4) "Candidate" means any person who:

1380 (a) files a declaration of candidacy for a public office; or

1381 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1382 receive contributions or make expenditures to bring about the person's nomination or election  
1383 to a public office.

1384 (5) "Chief election officer" means:

1385 (a) the lieutenant governor for state office candidates, legislative office candidates,  
1386 officeholders, political parties, political action committees, corporations, political issues  
1387 committees, state school board candidates, judges, and labor organizations, as defined in  
1388 Section 20A-11-1501; and

1389 (b) the county clerk for local school board candidates.

1390 (6) (a) "Contribution" means any of the following when done for political purposes:

1391 (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of  
1392 value given to the filing entity;

1393 (ii) an express, legally enforceable contract, promise, or agreement to make a gift,  
1394 subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or  
1395 anything of value to the filing entity;

- 1396 (iii) any transfer of funds from another reporting entity to the filing entity;
- 1397 (iv) compensation paid by any person or reporting entity other than the filing entity for
- 1398 personal services provided without charge to the filing entity;
- 1399 (v) remuneration from:
- 1400 (A) any organization or its directly affiliated organization that has a registered lobbyist;
- 1401 or
- 1402 (B) any agency or subdivision of the state, including school districts;
- 1403 (vi) a loan made by a candidate deposited to the candidate's own campaign; and
- 1404 (vii) in-kind contributions.
- 1405 (b) "Contribution" does not include:
- 1406 (i) services provided by individuals volunteering a portion or all of their time on behalf
- 1407 of the filing entity if the services are provided without compensation by the filing entity or any
- 1408 other person;
- 1409 (ii) money lent to the filing entity by a financial institution in the ordinary course of
- 1410 business; or
- 1411 (iii) goods or services provided for the benefit of a candidate or political party at less
- 1412 than fair market value that are not authorized by or coordinated with the candidate or political
- 1413 party.
- 1414 (7) "Coordinated with" means that goods or services provided for the benefit of a
- 1415 candidate or political party are provided:
- 1416 (a) with the candidate's or political party's prior knowledge, if the candidate or political
- 1417 party does not object;
- 1418 (b) by agreement with the candidate or political party;
- 1419 (c) in coordination with the candidate or political party; or
- 1420 (d) using official logos, slogans, and similar elements belonging to a candidate or
- 1421 political party.
- 1422 (8) (a) "Corporation" means a domestic or foreign, profit or nonprofit, business
- 1423 organization that is registered as a corporation or is authorized to do business in a state and
- 1424 makes any expenditure from corporate funds for:
- 1425 (i) the purpose of expressly advocating for political purposes; or
- 1426 (ii) the purpose of expressly advocating the approval or the defeat of any ballot

1427 proposition.

1428 (b) "Corporation" does not mean:

1429 (i) a business organization's political action committee or political issues committee; or

1430 (ii) a business entity organized as a partnership or a sole proprietorship.

1431 (9) "County political party" means, for each registered political party, all of the persons  
1432 within a single county who, under definitions established by the political party, are members of  
1433 the registered political party.

1434 (10) "County political party officer" means a person whose name is required to be  
1435 submitted by a county political party to the lieutenant governor in accordance with Section  
1436 20A-8-402.

1437 (11) "Detailed listing" means:

1438 (a) for each contribution or public service assistance:

1439 (i) the name and address of the individual or source making the contribution or public  
1440 service assistance, except to the extent that the name or address of the individual or source is  
1441 unknown;

1442 (ii) the amount or value of the contribution or public service assistance; and

1443 (iii) the date the contribution or public service assistance was made; and

1444 (b) for each expenditure:

1445 (i) the amount of the expenditure;

1446 (ii) the person or entity to whom it was disbursed;

1447 (iii) the specific purpose, item, or service acquired by the expenditure; and

1448 (iv) the date the expenditure was made.

1449 (12) (a) "Donor" means a person that gives money, including a fee, due, or assessment  
1450 for membership in the corporation, to a corporation without receiving full and adequate  
1451 consideration for the money.

1452 (b) "Donor" does not include a person that signs a statement that the corporation may  
1453 not use the money for an expenditure or political issues expenditure.

1454 (13) "Election" means each:

1455 (a) regular general election;

1456 (b) regular primary election; and

1457 (c) special election at which candidates are eliminated and selected.

1458 (14) "Electioneering communication" means a communication that:

1459 (a) has at least a value of \$10,000;

1460 (b) clearly identifies a candidate or judge; and

1461 (c) is disseminated through the Internet, newspaper, magazine, outdoor advertising  
1462 facility, direct mailing, broadcast, cable, or satellite provider within 45 days of the clearly  
1463 identified candidate's or judge's election date.

1464 (15) (a) "Expenditure" means any of the following made by a reporting entity or an  
1465 agent of a reporting entity on behalf of the reporting entity:

1466 (i) any disbursement from contributions, receipts, or from the separate bank account  
1467 required by this chapter;

1468 (ii) a purchase, payment, donation, distribution, loan, advance, deposit, gift of money,  
1469 or anything of value made for political purposes;

1470 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1471 purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of  
1472 value for political purposes;

1473 (iv) compensation paid by a filing entity for personal services rendered by a person  
1474 without charge to a reporting entity;

1475 (v) a transfer of funds between the filing entity and a candidate's personal campaign  
1476 committee; or

1477 (vi) goods or services provided by the filing entity to or for the benefit of another  
1478 reporting entity for political purposes at less than fair market value.

1479 (b) "Expenditure" does not include:

1480 (i) services provided without compensation by individuals volunteering a portion or all  
1481 of their time on behalf of a reporting entity;

1482 (ii) money lent to a reporting entity by a financial institution in the ordinary course of  
1483 business; or

1484 (iii) anything listed in Subsection (15)(a) that is given by a reporting entity to  
1485 candidates for office or officeholders in states other than Utah.

1486 (16) "Federal office" means the office of president of the United States, United States  
1487 Senator, or United States Representative.

1488 (17) "Filing entity" means the reporting entity that is required to file a financial



1489 statement required by this chapter or Chapter 12, Part 2, Judicial Retention Elections.

1490 (18) "Financial statement" includes any summary report, interim report, verified  
1491 financial statement, or other statement disclosing contributions, expenditures, receipts,  
1492 donations, or disbursements that is required by this chapter or Chapter 12, Part 2, Judicial  
1493 Retention Elections.

1494 (19) "Governing board" means the individual or group of individuals that determine the  
1495 candidates and committees that will receive expenditures from a political action committee,  
1496 political party, or corporation.

1497 (20) "Incorporation" means the process established by Title 10, Chapter 2a, Municipal  
1498 Incorporation, by which a geographical area becomes legally recognized as a city, town, or  
1499 metro township.

1500 (21) "Incorporation election" means the election ~~[authorized by]~~ conducted under  
1501 Section 10-2a-210~~[-10-2a-304,]~~ or 10-2a-404.

1502 (22) "Incorporation petition" means a petition ~~[authorized by]~~ described in Section  
1503 10-2a-208 ~~[or 10-2a-302.5]~~.

1504 (23) "Individual" means a natural person.

1505 (24) "In-kind contribution" means anything of value, other than money, that is accepted  
1506 by or coordinated with a filing entity.

1507 (25) "Interim report" means a report identifying the contributions received and  
1508 expenditures made since the last report.

1509 (26) "Legislative office" means the office of state senator, state representative, speaker  
1510 of the House of Representatives, president of the Senate, and the leader, whip, and assistant  
1511 whip of any party caucus in either house of the Legislature.

1512 (27) "Legislative office candidate" means a person who:

1513 (a) files a declaration of candidacy for the office of state senator or state representative;

1514 (b) declares oneself to be a candidate for, or actively campaigns for, the position of  
1515 speaker of the House of Representatives, president of the Senate, or the leader, whip, and  
1516 assistant whip of any party caucus in either house of the Legislature; or

1517 (c) receives contributions, makes expenditures, or gives consent for any other person to  
1518 receive contributions or make expenditures to bring about the person's nomination, election, or  
1519 appointment to a legislative office.

1520 (28) "Major political party" means either of the two registered political parties that  
1521 have the greatest number of members elected to the two houses of the Legislature.

1522 (29) "Officeholder" means a person who holds a public office.

1523 (30) "Party committee" means any committee organized by or authorized by the  
1524 governing board of a registered political party.

1525 (31) "Person" means both natural and legal persons, including individuals, business  
1526 organizations, personal campaign committees, party committees, political action committees,  
1527 political issues committees, and labor organizations, as defined in Section 20A-11-1501.

1528 (32) "Personal campaign committee" means the committee appointed by a candidate to  
1529 act for the candidate as provided in this chapter.

1530 (33) "Personal use expenditure" has the same meaning as provided under Section  
1531 20A-11-104.

1532 (34) (a) "Political action committee" means an entity, or any group of individuals or  
1533 entities within or outside this state, a major purpose of which is to:

1534 (i) solicit or receive contributions from any other person, group, or entity for political  
1535 purposes; or

1536 (ii) make expenditures to expressly advocate for any person to refrain from voting or to  
1537 vote for or against any candidate or person seeking election to a municipal or county office.

1538 (b) "Political action committee" includes groups affiliated with a registered political  
1539 party but not authorized or organized by the governing board of the registered political party  
1540 that receive contributions or makes expenditures for political purposes.

1541 (c) "Political action committee" does not mean:

1542 (i) a party committee;

1543 (ii) any entity that provides goods or services to a candidate or committee in the regular  
1544 course of its business at the same price that would be provided to the general public;

1545 (iii) an individual;

1546 (iv) individuals who are related and who make contributions from a joint checking  
1547 account;

1548 (v) a corporation, except a corporation a major purpose of which is to act as a political  
1549 action committee; or

1550 (vi) a personal campaign committee.

(35) (a) "Political consultant" means a person who is paid by a reporting entity, or paid by another person on behalf of and with the knowledge of the reporting entity, to provide political advice to the reporting entity.

(b) "Political consultant" includes a circumstance described in Subsection (35)(a), where the person:

- (i) has already been paid, with money or other consideration;
- (ii) expects to be paid in the future, with money or other consideration; or
- (iii) understands that the person may, in the discretion of the reporting entity or another person on behalf of and with the knowledge of the reporting entity, be paid in the future, with money or other consideration.

(36) "Political convention" means a county or state political convention held by a registered political party to select candidates.

(37) (a) "Political issues committee" means an entity, or any group of individuals or entities within or outside this state, a major purpose of which is to:

- (i) solicit or receive donations from any other person, group, or entity to assist in placing a ballot proposition on the ballot, assist in keeping a ballot proposition off the ballot, or to advocate that a voter refrain from voting or vote for or vote against any ballot proposition;
- (ii) make expenditures to expressly advocate for any person to sign or refuse to sign a ballot proposition or incorporation petition or refrain from voting, vote for, or vote against any proposed ballot proposition or an incorporation in an incorporation election; or
- (iii) make expenditures to assist in qualifying or placing a ballot proposition on the ballot or to assist in keeping a ballot proposition off the ballot.

(b) "Political issues committee" does not mean:

- (i) a registered political party or a party committee;
- (ii) any entity that provides goods or services to an individual or committee in the regular course of its business at the same price that would be provided to the general public;
- (iii) an individual;
- (iv) individuals who are related and who make contributions from a joint checking account;
- (v) a corporation, except a corporation a major purpose of which is to act as a political issues committee; or

1582 (vi) a group of individuals who:

1583 (A) associate together for the purpose of challenging or supporting a single ballot  
1584 proposition, ordinance, or other governmental action by a county, city, town, local district,  
1585 special service district, or other local political subdivision of the state;

1586 (B) have a common liberty, property, or financial interest that is directly impacted by  
1587 the ballot proposition, ordinance, or other governmental action;

1588 (C) do not associate together, for the purpose described in Subsection (37)(b)(vi)(A),  
1589 via a legal entity;

1590 (D) do not receive funds for challenging or supporting the ballot proposition,  
1591 ordinance, or other governmental action from a person other than an individual in the group;  
1592 and

1593 (E) do not expend a total of more than \$5,000 for the purpose described in Subsection  
1594 (37)(b)(vi)(A).

1595 (38) (a) "Political issues contribution" means any of the following:

1596 (i) a gift, subscription, unpaid or partially unpaid loan, advance, or deposit of money or  
1597 anything of value given to a political issues committee;

1598 (ii) an express, legally enforceable contract, promise, or agreement to make a political  
1599 issues donation to influence the approval or defeat of any ballot proposition;

1600 (iii) any transfer of funds received by a political issues committee from a reporting  
1601 entity;

1602 (iv) compensation paid by another reporting entity for personal services rendered  
1603 without charge to a political issues committee; and

1604 (v) goods or services provided to or for the benefit of a political issues committee at  
1605 less than fair market value.

1606 (b) "Political issues contribution" does not include:

1607 (i) services provided without compensation by individuals volunteering a portion or all  
1608 of their time on behalf of a political issues committee; or

1609 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1610 course of business.

1611 (39) (a) "Political issues expenditure" means any of the following when made by a  
1612 political issues committee or on behalf of a political issues committee by an agent of the

1613 reporting entity:

1614 (i) any payment from political issues contributions made for the purpose of influencing  
1615 the approval or the defeat of:

1616 (A) a ballot proposition; or

1617 (B) an incorporation petition or incorporation election;

1618 (ii) a purchase, payment, distribution, loan, advance, deposit, or gift of money made for  
1619 the express purpose of influencing the approval or the defeat of:

1620 (A) a ballot proposition; or

1621 (B) an incorporation petition or incorporation election;

1622 (iii) an express, legally enforceable contract, promise, or agreement to make any  
1623 political issues expenditure;

1624 (iv) compensation paid by a reporting entity for personal services rendered by a person  
1625 without charge to a political issues committee; or

1626 (v) goods or services provided to or for the benefit of another reporting entity at less  
1627 than fair market value.

1628 (b) "Political issues expenditure" does not include:

1629 (i) services provided without compensation by individuals volunteering a portion or all  
1630 of their time on behalf of a political issues committee; or

1631 (ii) money lent to a political issues committee by a financial institution in the ordinary  
1632 course of business.

1633 (40) "Political purposes" means an act done with the intent or in a way to influence or  
1634 tend to influence, directly or indirectly, any person to refrain from voting or to vote for or  
1635 against any:

1636 (a) candidate or a person seeking a municipal or county office at any caucus, political  
1637 convention, or election; or

1638 (b) judge standing for retention at any election.

1639 (41) (a) "Poll" means the survey of a person regarding the person's opinion or  
1640 knowledge of an individual who has filed a declaration of candidacy for public office, or of a  
1641 ballot proposition that has legally qualified for placement on the ballot, which is conducted in  
1642 person or by telephone, facsimile, Internet, postal mail, or email.

1643 (b) "Poll" does not include:

1644 (i) a ballot; or  
1645 (ii) an interview of a focus group that is conducted, in person, by one individual, if:  
1646 (A) the focus group consists of more than three, and less than thirteen, individuals; and  
1647 (B) all individuals in the focus group are present during the interview.  
1648 (42) "Primary election" means any regular primary election held under the election  
1649 laws.  
1650 (43) "Publicly identified class of individuals" means a group of 50 or more individuals  
1651 sharing a common occupation, interest, or association that contribute to a political action  
1652 committee or political issues committee and whose names can be obtained by contacting the  
1653 political action committee or political issues committee upon whose financial statement the  
1654 individuals are listed.  
1655 (44) "Public office" means the office of governor, lieutenant governor, state auditor,  
1656 state treasurer, attorney general, state school board member, state senator, state representative,  
1657 speaker of the House of Representatives, president of the Senate, and the leader, whip, and  
1658 assistant whip of any party caucus in either house of the Legislature.  
1659 (45) (a) "Public service assistance" means the following when given or provided to an  
1660 officeholder to defray the costs of functioning in a public office or aid the officeholder to  
1661 communicate with the officeholder's constituents:  
1662 (i) a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of  
1663 money or anything of value to an officeholder; or  
1664 (ii) goods or services provided at less than fair market value to or for the benefit of the  
1665 officeholder.  
1666 (b) "Public service assistance" does not include:  
1667 (i) anything provided by the state;  
1668 (ii) services provided without compensation by individuals volunteering a portion or all  
1669 of their time on behalf of an officeholder;  
1670 (iii) money lent to an officeholder by a financial institution in the ordinary course of  
1671 business;  
1672 (iv) news coverage or any publication by the news media; or  
1673 (v) any article, story, or other coverage as part of any regular publication of any  
1674 organization unless substantially all the publication is devoted to information about the

1675 officeholder.

1676 (46) "Receipts" means contributions and public service assistance.

1677 (47) "Registered lobbyist" means a person registered under Title 36, Chapter 11,  
1678 Lobbyist Disclosure and Regulation Act.

1679 (48) "Registered political action committee" means any political action committee that  
1680 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
1681 Governor.

1682 (49) "Registered political issues committee" means any political issues committee that  
1683 is required by this chapter to file a statement of organization with the Office of the Lieutenant  
1684 Governor.

1685 (50) "Registered political party" means an organization of voters that:

1686 (a) participated in the last regular general election and polled a total vote equal to 2%  
1687 or more of the total votes cast for all candidates for the United States House of Representatives  
1688 for any of its candidates for any office; or

1689 (b) has complied with the petition and organizing procedures of Chapter 8, Political  
1690 Party Formation and Procedures.

1691 (51) (a) "Remuneration" means a payment:

1692 (i) made to a legislator for the period the Legislature is in session; and

1693 (ii) that is approximately equivalent to an amount a legislator would have earned  
1694 during the period the Legislature is in session in the legislator's ordinary course of business.

1695 (b) "Remuneration" does not mean anything of economic value given to a legislator by:

1696 (i) the legislator's primary employer in the ordinary course of business; or

1697 (ii) a person or entity in the ordinary course of business:

1698 (A) because of the legislator's ownership interest in the entity; or

1699 (B) for services rendered by the legislator on behalf of the person or entity.

1700 (52) "Reporting entity" means a candidate, a candidate's personal campaign committee,  
1701 a judge, a judge's personal campaign committee, an officeholder, a party committee, a political  
1702 action committee, a political issues committee, a corporation, or a labor organization, as  
1703 defined in Section 20A-11-1501.

1704 (53) "School board office" means the office of state school board.

1705 (54) (a) "Source" means the person or entity that is the legal owner of the tangible or

1706 intangible asset that comprises the contribution.

1707 (b) "Source" means, for political action committees and corporations, the political  
1708 action committee and the corporation as entities, not the contributors to the political action  
1709 committee or the owners or shareholders of the corporation.

1710 (55) "State office" means the offices of governor, lieutenant governor, attorney general,  
1711 state auditor, and state treasurer.

1712 (56) "State office candidate" means a person who:

1713 (a) files a declaration of candidacy for a state office; or

1714 (b) receives contributions, makes expenditures, or gives consent for any other person to  
1715 receive contributions or make expenditures to bring about the person's nomination, election, or  
1716 appointment to a state office.

1717 (57) "Summary report" means the year end report containing the summary of a  
1718 reporting entity's contributions and expenditures.

1719 (58) "Supervisory board" means the individual or group of individuals that allocate  
1720 expenditures from a political issues committee.

1721 Section 29. Section **63I-2-210** is amended to read:

1722 **63I-2-210. Repeal dates -- Title 10.**

1723 [~~(1) On July 1, 2018, the following are repealed:~~]

1724 [~~(a) in Subsection 10-2-403(5), the language that states "10-2a-302 or";~~]

1725 [~~(b) in Subsection 10-2-403(5)(b), the language that states "10-2a-302 or";~~]

1726 [~~(c) in Subsection 10-2a-106(2), the language that states "10-2a-302 or";~~]

1727 [~~(d) Section 10-2a-302;~~]

1728 [~~(e) Subsection 10-2a-302.5(2)(a);~~]

1729 [~~(f) in Subsection 10-2a-303(1), the language that states "10-2a-302 or";~~]

1730 [~~(g) in Subsection 10-2a-303(4), the language that states "10-2a-302(7)(b)(v) or" and~~  
1731 ~~"10-2a-302(7)(b)(iv) or";~~]

1732 [~~(h) in Subsection 10-2a-304(1)(a), the language that states "10-2a-302 or"; and~~]

1733 [~~(i) in Subsection 10-2a-304(1)(a)(ii), the language that states "Subsection~~  
1734 ~~10-2a-302(5) or";~~]

1735 [~~(2)]~~ (1) Subsection 10-9a-304(2) is repealed June 1, 2020.

1736 [~~(3)]~~ (2) When repealing Subsection 10-9a-304(2), the Office of Legislative Research



and General Counsel shall, in addition to the office's authority under Subsection 36-12-12(3), make necessary changes to subsection numbering and cross references.

Section 30. Section **67-1a-2** is amended to read:

**67-1a-2. Duties enumerated.**

(1) The lieutenant governor shall:

(a) perform duties delegated by the governor, including assignments to serve in any of the following capacities:

(i) as the head of any one department, if so qualified, with the consent of the Senate, and, upon appointment at the pleasure of the governor and without additional compensation;

(ii) as the chairperson of any cabinet group organized by the governor or authorized by law for the purpose of advising the governor or coordinating intergovernmental or interdepartmental policies or programs;

(iii) as liaison between the governor and the state Legislature to coordinate and facilitate the governor's programs and budget requests;

(iv) as liaison between the governor and other officials of local, state, federal, and international governments or any other political entities to coordinate, facilitate, and protect the interests of the state;

(v) as personal advisor to the governor, including advice on policies, programs, administrative and personnel matters, and fiscal or budgetary matters; and

(vi) as chairperson or member of any temporary or permanent boards, councils, commissions, committees, task forces, or other group appointed by the governor;

(b) serve on all boards and commissions in lieu of the governor, whenever so designated by the governor;

(c) serve as the chief election officer of the state as required by Subsection (2);

(d) keep custody of the Great Seal of Utah;

(e) keep a register of, and attest, the official acts of the governor;

(f) affix the Great Seal, with an attestation, to all official documents and instruments to which the official signature of the governor is required; and

(g) furnish a certified copy of all or any part of any law, record, or other instrument filed, deposited, or recorded in the office of the lieutenant governor to any person who requests it and pays the fee.

1768 (2) (a) As the chief election officer, the lieutenant governor shall:

1769 (i) exercise general supervisory authority over all elections;

1770 (ii) exercise direct authority over the conduct of elections for federal, state, and

1771 multicounty officers and statewide or multicounty ballot propositions and any recounts

1772 involving those races;

1773 (iii) assist county clerks in unifying the election ballot;

1774 (iv) (A) prepare election information for the public as required by statute and as

1775 determined appropriate by the lieutenant governor; and

1776 (B) make the information under Subsection (2)(a)(iv)(A) available to the public and to

1777 news media on the Internet and in other forms as required by statute or as determined

1778 appropriate by the lieutenant governor;

1779 (v) receive and answer election questions and maintain an election file on opinions

1780 received from the attorney general;

1781 (vi) maintain a current list of registered political parties as defined in Section

1782 20A-8-101;

1783 (vii) maintain election returns and statistics;

1784 (viii) certify to the governor the names of those persons who have received the highest

1785 number of votes for any office;

1786 (ix) ensure that all voting equipment purchased by the state complies with the

1787 requirements of Subsection 20A-5-302(2) and Sections 20A-5-802 and 20A-5-803;

1788 (x) conduct the study described in Section 67-1a-14;

1789 (xi) during a declared emergency, to the extent that the lieutenant governor determines

1790 it warranted, designate, as provided in Section 20A-1-308, a different method, time, or location

1791 relating to:

1792 (A) voting on election day;

1793 (B) early voting;

1794 (C) the transmittal or voting of an absentee ballot or military-overseas ballot;

1795 (D) the counting of an absentee ballot or military-overseas ballot; or

1796 (E) the canvassing of election returns; and

1797 (xii) perform other election duties as provided in Title 20A, Election Code.

1798 (b) As chief election officer, the lieutenant governor may not assume the

responsibilities assigned to the county clerks, city recorders, town clerks, or other local election officials by Title 20A, Election Code.

(3) (a) The lieutenant governor shall:

(i) determine a new [city's] municipality's classification under Section 10-2-301 upon the city's incorporation under Title 10, Chapter 2a, Part 2, Incorporation of a [City] Municipality, based on the [city's] municipality's population using the population estimate from the Utah Population Committee; and

(ii) (A) prepare a certificate indicating the class in which the new [city] municipality belongs based on the [city's] municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the [city's] municipality's legislative body.

(b) The lieutenant governor shall:

(i) determine the classification under Section 10-2-301 of a consolidated municipality upon the consolidation of multiple municipalities under Title 10, Chapter 2, Part 6, Consolidation of Municipalities, using population information from:

(A) each official census or census estimate of the United States Bureau of the Census; or

(B) the population estimate from the Utah Population Committee, if the population of a municipality is not available from the United States Bureau of the Census; and

(ii) (A) prepare a certificate indicating the class in which the consolidated municipality belongs based on the municipality's population; and

(B) within 10 days after preparing the certificate, deliver a copy of the certificate to the consolidated municipality's legislative body.

(c) The lieutenant governor shall:

(i) determine a new metro township's classification under Section 10-2-301.5 upon the metro township's incorporation under Title 10, Chapter 2a, Part 4, Incorporation of Metro Townships and Unincorporated Islands in a County of the First Class on and after May 12, 2015, based on the metro township's population using the population estimates from the Utah Population Committee; and

(ii) prepare a certificate indicating the class in which the new metro township belongs based on the metro township's population and, within 10 days after preparing the certificate,

1830 deliver a copy of the certificate to the metro township's legislative body.

1831 (d) The lieutenant governor shall monitor the population of each municipality using  
1832 population information from:

1833 (i) each official census or census estimate of the United States Bureau of the Census; or

1834 (ii) the population estimate from the Utah Population Committee, if the population of a  
1835 municipality is not available from the United States Bureau of the Census.

1836 (e) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
1837 municipality's population has increased beyond the population for its current class, the  
1838 lieutenant governor shall:

1839 (i) prepare a certificate indicating the class in which the municipality belongs based on  
1840 the increased population figure; and

1841 (ii) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1842 legislative body of the municipality whose class has changed.

1843 (f) (i) If the applicable population figure under Subsection (3)(b) or (d) indicates that a  
1844 municipality's population has decreased below the population for its current class, the  
1845 lieutenant governor shall send written notification of that fact to the municipality's legislative  
1846 body.

1847 (ii) Upon receipt of a petition under Subsection 10-2-302(2) from a municipality whose  
1848 population has decreased below the population for its current class, the lieutenant governor  
1849 shall:

1850 (A) prepare a certificate indicating the class in which the municipality belongs based  
1851 on the decreased population figure; and

1852 (B) within 10 days after preparing the certificate, deliver a copy of the certificate to the  
1853 legislative body of the municipality whose class has changed.

1854 Section 31. **Repealer.**

1855 This bill repeals:

1856 Section **10-2a-221, Incorporation petition or feasibility study before May 8, 2012.**

1857 Section **10-2a-301, Title.**

1858 Section **10-2a-302.5, Incorporation of a town -- Petition.**

1859 Section **10-2a-303, Incorporation of a town -- Public hearing on feasibility.**

1860 Section **10-2a-304, Incorporation of a town -- Election to incorporate -- Ballot**

1861 **form.**

1862           Section **10-2a-305, Form of government -- Determination of council officer terms --**  
1863 **Hearings and notice.**

1864           Section **10-2a-305.1, Notice of number of council members to be elected and of**  
1865 **district boundaries -- Declaration of candidacy for city office -- Occupation of office.**

1866           Section **10-2a-305.2, Election of officers of new town -- Primary and final election**  
1867 **dates -- County clerk duties -- Candidate duties -- Occupation of office.**

1868           Section **10-2a-306, Notice to lieutenant governor -- Effective date of incorporation**  
1869 **-- Effect of recording documents.**

1870           Section **10-2a-307, Costs of town incorporation -- Fees established by lieutenant**  
1871 **governor.**

1872           Section 32. **Appropriation.**

1873           The following sums of money are appropriated for the fiscal year beginning July 1,  
1874 2019, and ending June 30, 2020. These are additions to amounts previously appropriated for  
1875 fiscal year 2020. The Legislature has reviewed the following expendable funds. The Legislature  
1876 authorizes the State Division of Finance to transfer amounts between funds and accounts as  
1877 indicated. Outlays and expenditures from the funds or accounts to which the money is  
1878 transferred may be made without further legislative action, in accordance with statutory  
1879 provisions relating to the funds or accounts.

1880 ITEM 1

1881           To the Municipal Incorporation Expendable Special Revenue Fund

1882                     From General Fund, One-time                                     \$100,000

1883                     Schedule of Programs:

1884                             Municipal Incorporation Expendable

1885                             Special Revenue Fund                                     \$100,000

1886           Section 33. **Revisor instructions.**

1887           The Legislature intends that the Office of Legislative Research and General Counsel, in  
1888 preparing the Utah Code database for publication, replace the reference in Subsection  
1889 10-2a-106(3), from "this bill" to the bill's designated chapter number in the Laws of Utah.